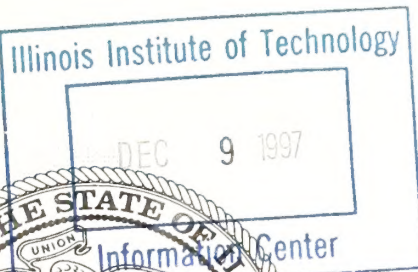


235
21-
DC



Scott Livingston

1997

Illinois Register

Rules of Governmental Agencies

Volume 21, Issue 49—December 05, 1997

Pages 15,296 - 15,994

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.sos.state.il.us>

published by
George H. Ryan
Secretary of State

TABLE OF CONTENTS
December 5, 1997 Volume 21, Issue 49

PROPOSED RULES

EDUCATION, STATE BOARD OF	
Driver Education	23 Ill. Adm. Code 25215296
Private Business And Vocational Schools	23 Ill. Adm. Code 45115303
NATURAL RESOURCES, DEPARTMENT OF	
Sport Fishing Regulations For The Waters Of Illinois	17 Ill. Adm. Code 81015309
PUBLIC HEALTH, DEPARTMENT OF	
Intermediate Care For The Developmentally Disabled Facilities Code	77 Ill. Adm. Code 35015379
Long-Term Care For Under Age 22 Facilities Code	77 Ill. Adm. Code 39015396
Sheltered Care Facilities Code	77 Ill. Adm. Code 33015412
Skilled Nursing And Intermediate Care Facilities Code	77 Ill. Adm. Code 30015425
RACING BOARD, ILLINOIS	
Jockeys, Apprentices, Jockey Agents, And Valets	11 Ill. Adm. Code 141115442
STATE POLICE MERIT BOARD, DEPARTMENT OF	
Procedures For The Department Of State Police Merit Board	80 Ill. Adm. Code 15015448

ADOPTED RULES

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF	
Conditions Of Employment	80 Ill. Adm. Code 30315454
Merit And Fitness	80 Ill. Adm. Code 30215462
CHILDREN AND FAMILY SERVICES, DEPARTMENT OF	
Audits, Reviews, And Investigations	89 Ill. Adm. Code 43415469
Department Advisory Council, Illinois Juvenile Justice Commission And Other Statewide And Regional Committees	89 Ill. Adm. Code 42815474
Grants-In-Aid	89 Ill. Adm. Code 36015486
PLANNING FOR STATEWIDE RESOURCE ALLOCATION	
89 Ill. Adm. Code 32615491
EMPLOYMENT SECURITY, DEPARTMENT OF	
Determination Of Unemployment Contributions	56 Ill. Adm. Code 277015496
HUMAN SERVICES, DEPARTMENT OF	
Collections And Recoveries	89 Ill. Adm. Code 16515502
Crisis Assistance	89 Ill. Adm. Code 11615507
General Administrative Provisions	89 Ill. Adm. Code 1015515
General Assistance	89 Ill. Adm. Code 11415545
Recipient Rights	59 Ill. Adm. Code 11115579
Related Program Provisions	89 Ill. Adm. Code 11715591
Temporary Assistance For Needy Families	89 Ill. Adm. Code 11215597
POLLUTION CONTROL BOARD	
Clean Fuel Fleet Program	35 Ill. Adm. Code 24115767
Emissions Reduction Market System	35 Ill. Adm. Code 20515777
Solid Waste Disposal:general Provisions	35 Ill. Adm. Code 81015825
Standards For New Solid Waste Landfills	35 Ill. Adm. Code 81115831
PUBLIC HEALTH, DEPARTMENT OF/HEALTH FACILITIES PLANNING BOARD	
Health Facilities Planning Financial And Economic Feasibility Review	77 Ill. Adm. Code 112015872
SECRETARY OF STATE	
Regulations Under The Illinois Securities Law Of 1953	14 Ill. Adm. Code 13015892
AGENCY NOTICES OF MODIFICATION, WITHDRAWAL OR REFUSAL TO PROPOSED RULES	
REHABILITATION SERVICES, DEPARTMENT OF	
Non-Academic Programs And Policies	89 Ill. Adm. Code 830, Withdrawal15958
JOINT COMMITTEE ON ADMINISTRATIVE RULES	
Second Notices Received15964

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

97-614	Adoption Awareness Month	15967
97-615	American Croatian Waukegan Tamuritizens Day	15967
97-616	Croatian Catholic Mission Days	15967
97-617	Hepatitis C Awareness Month	15968
97-618	Teri Theis and Tim Haefler Congratulated	15968
97-619	Arnold F. Karr Congratulated	15969
97-620	Bridges Across the Atlantic Week	15969
97-621	Foundry Educational Foundation Days	15970
97-622	Hellenic Bar Association Day	15971
97-623	International Day	15971
97-624	Norwegian American Chamber of Commerce Days	15971
97-625	Spinal Muscular Atrophy Awareness Day	15972
97-626	Admission of Poland to the North Atlantic Treaty Organization Supported	15972
97-627	Critical Care Nurse Week	15972
97-628	Rock Island Public Library Day	15973
97-629	Betty Williams Appreciation Day	15974
97-630	Futures and Options Week	15974
97-631	High Technology Week	15975
97-632	Home Care Month	15975
97-633	Ladies Auxillary of the Polish Museum of America Day	15976
97-634	Veterans for a Change Day	15976
97-635	Ecumenical Patriarch Bartholomew of Constantinople Day	15977
97-636	Polish American Association Day	15977
97-637	Cinderella/Prince Charming Ball Day	15978
97-638	Gray Ribbon for Diabetes Day	15978
97-639	Paralyzed Veterans Recognition Day	15979
97-640	ROTC Appreciation Day	15979
97-641	Veterans Day	15980
97-642	Gerald "Red" Dwyer Day	15980
97-643	Chicago Women's Golf Club Day	15981
97-644	Illinois LST Association Day	15981
97-645	Make-A-Wish Week	15982
97-646	Rev. Dr. Willis A. Reed Loved Ones and Friends Extended Condolences	15892
97-647	Community Education Day	15983
97-648	Ethnic Museum Day	15983
97-649	Phi Theta Kappa Day	15984
97-650	Phi Theta Kappa Founders Day	15984
97-651	Robert Ciesla Day	15985
97-652	Dr. James P. Comer Day	15985
97-653	Dr. Richard Wagner Day	15986
97-654	Monica J. Brahler Recognized	15986
97-655	Vocational Education Week	15987
97-656	Althoff Catholic High School Show Choir Commended	15988

97-657	American ORT/Chicago Chapter Salute to Education Week	15988
97-658	Niel P. Iovino Day	15989
97-659	Special Session of the 90th General Assembly	15989
97-660	Harold E. Higgins Day	15990
97-661	Illinois Women's Basketball Day	15990
97-662	Family Federation Day	15991
97-663	Festival of the States day	15992
97-664	International Housewares Week	15992
97-665	TV-Turnoff Week	15993
97-666	Joan Walters Day	15993
97-667	Mrs. Amazon Brooks Day	15994

ISSUES INDEX.....I-1

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1997

Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:	Material Rec'd after Noon on:	And before Noon on:	Will be in Issue #:	Published on:
Dec. 24, 1996	Dec. 31, 1996	1	Jan. 3, 1997	July 1, 1997	July 8, 1997	28	July 11, 1997
Dec. 31, 1996	Jan. 7, 1997	2	Jan. 10, 1997	July 8, 1997	July 15, 1997	29	July 18, 1997
Jan. 7, 1997	Jan. 14, 1997	3	Jan. 17, 1997	July 15, 1997	July 22, 1997	30	July 25, 1997
Jan. 14, 1997	Jan. 21, 1997	4	Jan. 24, 1997	July 22, 1997	July 29, 1997	31	Aug. 1, 1997
Jan. 21, 1997	Jan. 28, 1997	5	Jan. 31, 1997	July 29, 1997	Aug. 5, 1997	32	Aug. 8, 1997
Jan. 28, 1997	Feb. 4, 1997	6	Feb. 7, 1997	Aug. 5, 1997	Aug. 12, 1997	33	Aug. 15, 1997
Feb. 4, 1997	Feb. 11, 1997	7	Feb. 14, 1997	Aug. 12, 1997	Aug. 19, 1997	34	Aug. 22, 1997
Feb. 11, 1997	Feb. 18, 1997	8	Feb. 21, 1997	Aug. 19, 1997	Aug. 26, 1997	35	Aug. 29, 1997
Feb. 18, 1997	Feb. 25, 1997	9	Feb. 28, 1997	Aug. 26, 1997	Sept. 2, 1997	36	Sept. 5, 1997
Feb. 25, 1997	Mar. 4, 1997	10	Mar. 7, 1997	Sept. 2, 1997	Sept. 9, 1997	37	Sept. 12, 1997
Mar. 4, 1997	Mar. 11, 1997	11	Mar. 14, 1997	Sept. 9, 1997	Sept. 16, 1997	38	Sept. 19, 1997
Mar. 11, 1997	Mar. 18, 1997	12	Mar. 21, 1997	Sept. 16, 1997	Sept. 23, 1997	39	Sept. 26, 1997
Mar. 18, 1997	Mar. 25, 1997	13	Mar. 28, 1997	Sept. 23, 1997	Sept. 30, 1997	40	Oct. 3, 1997
Mar. 25, 1997	Apr. 1, 1997	14	Apr. 4, 1997	Sept. 30, 1997	Oct. 7, 1997	41	Oct. 10, 1997
Apr. 1, 1997	Apr. 8, 1997	15	Apr. 11, 1997	Oct. 7, 1997	Oct. 14, 1997	42	Oct. 17, 1997
Apr. 8, 1997	Apr. 15, 1997	16	Apr. 18, 1997	Oct. 14, 1997	Oct. 21, 1997	43	Oct. 24, 1997
Apr. 15, 1997	Apr. 22, 1997	17	Apr. 25, 1997	Oct. 21, 1997	Oct. 28, 1997	44	Oct. 31, 1997
Apr. 22, 1997	Apr. 29, 1997	18	May 2, 1997	Oct. 28, 1997	Nov. 4, 1997	45	Nov. 7, 1997
Apr. 29, 1997	May 6, 1997	19	May 9, 1997	Nov. 4, 1997	Nov. 10, 1997*	46	Nov. 14, 1997
May 6, 1997	May 13, 1997	20	May 16, 1997	Nov. 10, 1997*	Nov. 18, 1997	47	Nov. 21, 1997
May 13, 1997	May 20, 1997	21	May 23, 1997	Nov. 18, 1997	Nov. 25, 1997	48	Dec. 1, 1997*
May 20, 1997	May 27, 1997	22	May 30, 1997	Nov. 25, 1997	Dec. 2, 1997	49	Dec. 5, 1997
May 27, 1997	June 3, 1997	23	June 6, 1997	Dec. 2, 1997	Dec. 9, 1997	50	Dec. 12, 1997
June 3, 1997	June 10, 1997	24	June 13, 1997	Dec. 9, 1997	Dec. 16, 1997	51	Dec. 19, 1997
June 10, 1997	June 17, 1997	25	June 20, 1997	Dec. 16, 1997	Dec. 23, 1997	52	Dec. 26, 1997
June 17, 1997	June 24, 1997	26	June 27, 1997	Dec. 23, 1997	Dec. 30, 1997	1	Jan. 2, 1998
June 24, 1997	July 01, 1997	27	July 7, 1997*	Dec. 30, 1997	Jan. 6, 1998	2	Jan. 9, 1998

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

* Monday

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Driver Education
- 2) Code Citation: 23 Ill. Adm. Code 252
- 3) Section Numbers: Proposed Action:
252.20 Amendment
- 4) Statutory Authority: 105 ILCS 5/27-23 and 27-24

5) A Complete Description of the Subjects and Issues Involved: P.A. 90-369, effective January 1, 1998, makes substantial changes in the Illinois Vehicle Code relative to instructional permits and driver's licenses for individuals less than 21 years old. In particular, the new law requires that in order to receive a "graduated" driver's license, an individual less than 18 years old must have held a valid instructional permit for a minimum of three months and logged 25 hours of behind-the-wheel practice with a parent, legal guardian or other responsible adult.

Section 252.20(c)(8) of the rules, however, prohibits driver education instructors from issuing an instructional permit to a student more than two weeks before the student starts behind-the-wheel instruction, regardless of whether the student had otherwise qualified to hold the permit. Staff from the Secretary of State's office has indicated that this requirement will, in many cases, delay students' reaching the requisite 25 hours of practice driving the law now requires for a graduated driver's license.

Staff have consulted with the Secretary of State's office in drafting these amendments. Other technical changes have been made, as well.

- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Sally Vogl

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-284
Springfield, IL 62777-0001
(217) 782-0541

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: P.A. 90-369 was enacted after publication of the July 1997 agenda.

The full text of the proposed rule(s) begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER g: SPECIAL COURSES OF STUDY

PART 252

DRIVER EDUCATION

Section	Definitions
252.10	Administration and Procedures
252.20	Eligibility of Students
252.25	The Terms of Reimbursement for Public School Participation in the Program
252.30	Driver Education Teacher Requirements
252.40	Commercial Schools (Transferred)

AUTHORITY: Implementing and authorized by Sections 27-23 and 27-24 the School Code [105 ILCS 5/27-23 and 27-24].

SOURCE: Adopted September 4, 1975; codified at 8 Ill. Reg. 1585; emergency amendment at 9 Ill. Reg. 15558, effective October 1, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 12922, effective July 22, 1986; Section 252.50 transferred to 92 Ill. Adm. Code 1060.240 (Secretary of State) pursuant to Section 5-80(d) of the Illinois Administrative Procedure Act [5 ILCS 100/5-80(d)] and Section 6-411 of the Illinois Driver License Law [625 ILCS 5/6-411] at 11 Ill. Reg. 1631, amended at 18 Ill. Reg. 16307, effective October 25, 1994; amended at 22 Ill. Reg. _____, effective _____.

Section 252.20 Administration and Procedures

- a) Availability of the Course -- Sections 27-23 and 27-24.2 of the School Code [105 ILCS 5/27-23 and 27-24.2 as amended by P.A. 88-1887 effective January 1, 1994] are consistent in that under both Sections the public school district offering courses in grades nine through twelve must provide the driver education course for any legal resident of the district between the ages of 15 and 21 years who requests the course, provided such resident is eligible as set forth in Sections 27-23 and 27-24.2.
 - 1) Public high school districts must provide the approved driver education course for all eligible students of the district who attend an independent, parochial, or private school that does not offer the course.
 - 2) Independent, parochial, or private schools may offer an approved driver education course at their own expense. The course must be complete to meet the requirements for certification of students.
 - 3) Public high school districts must provide the driver education

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

course for all eligible Illinois students, regardless of the district of their residence, who attend an independent, parochial, or private school which is located within that school district's boundaries when application is made by the administrators of the independent, parochial, or private school. By April 1, the nonpublic school shall notify the district offering the course of the names and district numbers of the nonresident students desiring to take such a course the next school year. The district offering such course shall notify the district of residence of those students affected by April 15.

- 4) An eligible student may elect to enroll in an approved driver education course at a commercial school at his or her expense.
- 5) School districts are obligated to make the driver education course available within a reasonable length of time after a request has been filled. (Reasonable length of time is based on a student's individual needs and the school district's ability to meet the student's needs.)
- b) When to Offer the Course -- Any high school district offering an approved driver education course must offer the course during the school day and may offer the course at other times.
 - 1) The driver education course may not be offered only during the summer months or extended school days.
 - 2) Enrollment in a driver education course must be closed at the inception of the course. Another course may be started when enrollment warrants.
 - c) Program Organization -- Approved driver education courses must be organized according to the standards established in Section 27-24 et seq. of the School Code (the Driver Education Act) and this Part.
 - 1) Any student who is enrolled in a driver education course should receive classroom and laboratory instruction at the same school or public school district.
 - 2) When circumstances make it necessary or beneficial for a student to receive laboratory instruction from a school other than that from which he or she received classroom instruction, official verification of satisfactory completion of the classroom portion and parental consent must be on file in the office of the management or the chief school officer of a school or public school district before laboratory instruction only shall be given. Examples of such circumstances are listed below.
 - A) A student changes the district of his or her residence after classroom completion.
 - B) A student is a resident of the district but attends an approved school outside of the State of Illinois.
 - C) A student changes residence from another state to Illinois after completion of a comparable course and reciprocity is established. Reciprocity is established if the other state's driver education course requires at least 30 clock hours of classroom instruction and 6 clock hours of practice

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

driving.

- D) A school in Illinois is dissolved, has lost its license to operate, or the driver education course being offered is no longer approved.
- E) A student is in attendance at a private school other than in the student's district of residence.
- 3) A minimum of 30 ~~thirty~~ clock hours of classroom instruction must be completed by each student.
- 4) The length of each instructional period shall not exceed 90 ~~ninety~~ minutes.
- 5) Both the classroom and laboratory instruction must each be scheduled regularly throughout a period of not less than six complete weeks (four weeks allowable in summer programs).
- 6) Laboratory instruction shall not begin until the student has started classroom instruction.
- 7) Laboratory instruction may be taught during an extended school day.
- 8) Each student shall have a valid instructional permit issued pursuant to Section 6-103 of the Illinois Motor Vehicle Code [6.5 ILCS 5/6-103] when engaged in practice driving instruction. ~~Driver-education-instructors shall not certify to the Secretary of State that a student is enrolled in a driver-education course and requires an instruction permit to participate in practice driving until just prior to the beginning of the student's practice driving instruction, and in no event shall such certification be made so that the instruction permit will be issued more than two weeks prior to the student's first practice driving experience with an approved driver-education instructor.~~
- 9) The law requires each student to complete a minimum of six clock hours of practice driving instruction or its equivalent. At least one but not more than three student observers must be in the car during practice driving on public streets. At least one hour of observation time is required for each hour of practice driving.
- 10) Two hours of multiple-car instruction may be provided in lieu of one hour of practice driving in a dual-control car, provided that the facility shall consist of a minimum of 80,000 square feet and provide the following elements for learning experiences: basic driving maneuvers; basic problems of traffic flow and conflict; procedural and perceptual decision making. A minimum of two hours must be in a dual-control car under traffic conditions.
- 11) Four hours of driving simulation instruction may be provided in lieu of one hour of practice driving, with driving simulation being used as a replacement for no more than three clock hours of practice driving. Driving simulation and practice driving must be concurrent or consecutive.
- 12) Laboratory instruction which employs a combination laboratory program, as defined in Section 252.10 of this Part, may be authorized on an annual basis provided it meets the following

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

standards:

- A) two clock hours of multiple-car instruction are provided in lieu of each clock hour of practice driving, with such instruction being used as a replacement for no more than four ~~4~~ clock hours of practice driving;
- B) four clock hours of driving simulation are provided in lieu of each clock hour of practice driving, with driving simulation being used as a replacement for no more than three ~~3~~ clock hours of practice driving; and
- C) no less than one ~~one~~ clock hour of practice driving is provided.
- 13) ~~School Districts may adopt a policy to permit proficiency examinations for the practice driving phase of the driver education course at any time after a student completes 3 hours of practice driving under the direct instruction of a qualified driver education teacher (Section 27-24.3 of the School Code). a qualified driver-education-teacher. The instruction provided to students under a policy adopted by the local school board pursuant to this authority must comply with the definition of "Practice Driving" in Section 252.10 of this Part; and the examination given to students after their completion of at least three clock hours of practice driving instruction:~~
 - A) must be the same as the examination given at the completion of six hours of practice driving; and
 - B) must include an assessment of each student's ability to make proper decisions in varying levels of traffic, and to execute these decisions in a smooth, safe, and efficient manner.
- 14) Satisfactory driver education course completion denotes that each student has the minimum competencies which meet course objectives and is eligible for the Illinois Driver Education Certificate.
- 15) Integrated program course completion dates of both parts must be scheduled to coincide insofar as possible.
- d) Enrollment -- All eligible students who reside in a public school district must be provided an equal opportunity to enroll in the driver education course.
 - 1) The local school district of which an eligible student is a resident has the responsibility of providing the approved driver education course when requested by the student.
 - 2) A public school student's declaration of intent is considered made at the time of regular registration.
 - 3) Other eligible residents of the district are considered to have made a declaration of intent when the course is requested on an individual basis from the public high school. Such request must be honored within a reasonable length of time as defined in ~~(See subsection (a)(5) of this Section.)~~
 - 4) Independent, parochial, and private school administrators may request the approved driver education course for all eligible

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

students, residents in Illinois, from the public school district in which the nonpublic school is located.

- 5) Administrators and teachers of state approved high school driver education programs shall not acquire an interest in, teach in, or solicit for a commercial driver education school.

- 6) Dual-Control Cars -- The driver education car is to be used for instructional purposes. A school district may not use the driver education car for purposes other than that which is designated by agreement or contract. Automobiles used for on-street driver education purposes must display a printed sign which measures at least 18 inches in width and nine inches in height. It must not obstruct vision through the rearview mirror or interfere with the operation of safety devices. The lettering, which must be a minimum of two inches in height, must be black on a school bus yellow background.

- 7) Contracting -- In fulfilling the requirements of the Driver Education Act, a public school district must either offer the course in its own school or must provide the course for its students and any other legal residents of the school district who request the course, through a joint agreement with another public school district or through the provisions of cooperative school district programs.

A) Schools offering an approved driver education program shall not contract the course from any individual or agency.

B) Inasmuch as commercial driver education schools are not allowed, through the Motor Vehicle Act, to contract with another commercial school, contracting between two or more commercial driver education schools to provide the approved driver education course for youth is also prohibited.

- 8) Students, as individuals, have the options of applying for the course at the high school district of their residence or of purchasing the course from a commercial school.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Private Business and Vocational Schools

- 2) Code Citation: 23 Ill. Adm. Code 451

- 3) Section Numbers: Proposed Action:
451.410 Amendment

- 4) Statutory Authority: 105 ILCS 425

- 5) A Complete Description of the Subjects and Issues Involved: Section 451.410(1)(1) now provides that private business and vocational schools that grant degrees in certain programs must employ faculty for those programs who hold a baccalaureate degree with a major in the subject area in which they will teach. The requirement of holding a baccalaureate degree, however, has caused problems for schools with programs for fields in which the primary mode of education is a combination of work experience and related training that results in less than a baccalaureate degree. Therefore, five alternatives are being added for those areas of study where the principal learning medium is work experience and/or related training that results in less than a baccalaureate degree. These other options would enable applicants to qualify to teach in a degree-granting program if otherwise qualified staff are not available.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking will not create or enlarge a state mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Sally Vogl
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street, S-284
Springfield, Illinois 62777-0001
(217) 782-0541

- 12) Initial Regulatory Flexibility Analysis:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- A) Types of small businesses affected: Private business and vocational schools.
- B) Reporting, bookkeeping or other procedures required for compliance: Each school must establish and enforce specific written policies setting standards for qualification of its faculty. All faculty must be approved by the State Superintendent; the approval process requires the submission of an application by the school stating the specific subjects the faculty will teach and must be accompanied by official transcripts, letters and documents showing that the applicant meets the school's employment standards as well as the minimum standards set forth in 23 Ill. Adm. Code 451.
- C) Types of professional skills necessary for compliance: The amendments propose five alternatives under which an applicant may be qualified to teach in a private business and vocational school that has degree-granting programs. These minimum qualifications can be used if the applicant does not have a baccalaureate degree with a major in the subject area to be taught. These minimum qualifications are:
- * Two years of work experience and a two-year associate's degree in the specific subject area to be taught; or
 - * Four years of work experience in the specific subject area to be taught and a baccalaureate degree in an unrelated field; or
 - * One year of work experience and a two-year associate's degree in the specific subject area to be taught and one year of college credit in an unrelated field; or
 - * Five years of work experience in the specific subject area to be taught; or
 - * Six years of military service which consisted of training and work experience in the specific subject area to be taught.

- 13) State reasons for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: July 1997

The full text of the proposed rule(s) begins on the next page:

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER m: POSTSECONDARY SCHOOLS

PART 451

PRIVATE BUSINESS AND VOCATIONAL SCHOOLS

SUBPART A: SCHOOL APPROVAL

Section	
451.10	Introduction
451.20	Application for Certificate of Approval
451.30	Out-of State School Approval
451.40	Classroom Extensions
451.50	Supplementary Courses of Instruction
451.60	Change of School Location
451.70	Change of School Ownership
451.80	School Closing/Change of Status
451.90	Warning, Suspension, Revocation of Accreditation and/or Approval
451.100	Inspection and Periodic Review
451.110	Cease and Desist Orders
451.120	Comparison of Graduation or Completion Rates

SUBPART B: SCHOOL STRUCTURE AND OPERATIONS

Section	
451.200	School Purpose
451.210	Administration and Organization
451.220	Financial Resources/Financial Recordkeeping
451.230	School Surety Bond
451.235	Liability Insurance
451.240	Recordkeeping
451.250	School Advertising
451.260	School Catalog/Bulletin
451.270	Instructional Program and Services
451.280	Home Study and Home Study/In-Residence Schools
451.290	Student Work Experience
451.300	Instructional Equipment, Facilities and Materials

SUBPART C: SCHOOL PERSONNEL

Section	
451.400	Administrator Qualifications
451.410	Faculty Qualifications
451.420	Sales Representatives
451.430	Sales Representative Bond

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

SUBPART D: STUDENTS

Section	
451.500	Student Admissions Standards
451.510	Handicapped Students
451.520	Enrollment Agreements
451.530	Student Obligations, Cancellation and Refund Policies
451.540	Student Personnel Services
451.550	Placement Assistance
451.555	Student Progress
451.560	Student Attendance and Tardiness
451.570	Student Conduct and Discipline
451.580	Student Rights
451.590	Student Complaints

AUTHORITY: Implementing and authorized by the Private Business and Vocational Schools Act [105 ILCS 425] and Section 11-2.1 of the Public Aid Code [305 ILCS 5/11-2.1].

SOURCE: Adopted February 1, 1973; codified at 8 Ill. Reg. 16289; Part repealed, new Part adopted at 14 Ill. Reg. 7518, effective May 3, 1990; amended at 17 Ill. Reg. 22527, effective December 16, 1993; amended at 22 Ill. Reg. _____, effective _____.

SUBPART C: SCHOOL PERSONNEL

Section 451.410 Faculty Qualifications

a) A school shall establish and enforce specific written policies setting standards for qualification, supervision, evaluation, and promotion of its faculty.

1) The policies shall set minimum requirements for the employment of faculty, including previous training and on-the-job experience in the subject area for which the faculty applicant is being considered for employment or transfer.

2) Qualification standards for faculty shall at least conform to the standards set forth in subsection (b) of this Section.

b) At minimum each faculty member shall possess at least one of the following qualifications:

1) graduation from a state-approved, state-approved, four-year degree-granting degree-granting school with satisfactory completion of no fewer less than twenty-four-24 semester hours in the academic or vocational/skill subject area in which the applicant will be assigned to teach, including included-in-the twenty-four-hours-must-be evidence of satisfactory completion of at least one 3-semester-hour three-3 semester-hour college level course in each subject to which the faculty member is to be assigned-; or

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

- 2) a combination of no fewer less than 4,000 clock hours of successful training and on-the-job experience in the academic or vocational/skill subject area in which the faculty member is to be assigned; or
- 3) completion of no fewer less than 6,000 clock hours of successful on-the-job experience in the academic or vocational/skill subject area in which the applicant will be assigned to teach.
- c) A faculty member who complies with the requirements established in this Part shall not be relieved of the responsibility of complying with more stringent requirements established by any other state agency.
- d) Faculty approval by the Superintendent shall be for the specific subjects listed on the application for approval only, shall not be transferable from one school to another, and shall terminate on cessation of the faculty member's employment with the school.
- e) All applications for faculty approval shall:
 - 1) be submitted on forms provided by the Superintendent;
 - 2) indicate the specific subjects the applicant will teach;
 - 3) be signed by the applicant and the chief managing employee;
 - 4) be accompanied by official transcripts, letters, and documents which confirm that the applicant meets:
 - A) the school's employment standards for previous instruction, on-the-job experience, and mastery of the subject area to which the faculty member is to be assigned;
 - B) the minimum standards for faculty approval set forth in this Part.

f) For purposes of this Section, documentation of on-the-job and teaching experience shall:

- 1) be from any official providing the teaching or on-the-job experience of the applicant or from an administrator(s) at the previous place(s) of employment who can be reached for verification of the documentation submitted;
- 2) state the period of employment;
- 3) describe the applicant's on-the-job experience and duties in detail.
- g) In the event that the faculty member's former employer is no longer in business and/or the applicant's supervisor is no longer available to verify employment, the applicant shall submit an affidavit stating the facts concerning his or her work experience in lieu of the documentation specified in subsection (f) of this Section.
- h) Substitute faculty shall meet the same qualifications as regular faculty, including the prior approval of the Superintendent.
- i) If a school utilizes faculty assistants, it shall establish and maintain policies which set forth qualifications, duties and procedures for use of these personnel. Faculty assistants shall:
 - 1) not be used as substitutes or replacements for regular faculty;
 - 2) not be responsible for the overall evaluation of any student;
 - 3) work under the direct supervision of approved faculty.

STATE BOARD OF EDUCATION

NOTICE OF PROPOSED AMENDMENTS

j) The school shall have and implement written policies to promote improvement of faculty competency in their occupational fields and in levels of performance in their teaching assignments.

k) A faculty member approved by the Superintendent to teach a specific subject(s) at the school prior to the date of adoption of this Part who has verification of qualification on file with the Superintendent shall continue to be approved to teach that subject(s) at the school.

l) After the date of adoption of this Part the school shall employ new faculty according to the following minimum standards:

1) Instructors employed as faculty in degree-granting degree granting programs shall have a minimum of a baccalaureate degree from a state-approved state-approved college or university with a major in the subject area in which they teach- except that in those areas of study where the principal means of learning is work experience and/or related training that results in less than a baccalaureate degree, instructors employed as faculty must meet at least one of the following criteria:

A) Two years of work experience and a two-year associate's degree in the specific subject area to be taught; or
B) Four years of work experience in the specific subject area to be taught and a baccalaureate degree in an unrelated field; or

C) One year of work experience and a two-year associate's degree in the specific subject area to be taught and one year of college credit in an unrelated field; or

D) Five years of work experience in the specific subject area to be taught; or

E) Six years of military service which consisted of training and work experience in the specific subject area to be taught.

2) If the job objective for which the course of instruction is offered requires a valid license or certificate, the instructor shall hold such a license or certificate.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Sport Fishing Regulations for the Waters of Illinois

2) Code Citation: 17 Ill. Adm. Code 810

3) Section Numbers: Proposed Action:

810.35 Amendments

810.37 Amendments

810.45 Amendments

810.50 Amendments

810.70 Amendments

810.90 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-5, 20-35 and 25-5]

5) A Complete Description of the Subjects and Issues Involved: Amendments are being made to change statewide catch and size limits, change individual site specific fishing regulations by fish species or group, update bait fishing regulations and identify the dates of the 1998 "Free Fishing Days".

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis: These amendments do not affect

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

small businesses, small municipalities or not for profit corporations.

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rule was summarized: This rule was not included on either of the 2 most recent agendas because: The Department neglected to file a regulatory agenda on this Part.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 810

SPORT FISHING REGULATIONS FOR THE WATERS OF ILLINOIS

Section

810.10	Sale of Fish and Fishing Seasons
810.20	Snagging
810.30	Pole and Line Fishing Only (Repealed)
810.35	Statewide Sportfishing Regulations - Daily Catch and Size Limits
810.37	Definitions for Site Specific Sportfishing Regulations
810.40	Daily Catch and Size Limits (Repealed)
810.45	Site Specific Water Area Regulations
810.50	Bait Fishing
810.60	Bullfrogs (Repealed)
810.70	Free Fishing Days
810.80	Emergency Protective Regulations
810.90	Fishing Tournament Permit
810.100	Bed Protection

AUTHORITY: Implementing and authorized by Sections 1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-35 and 25-5 of the Fish and Aquatic Life Code [515 ILCS 5/1-120, 1-125, 1-150, 5-5, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-45, 10-50, 10-60, 10-75, 10-90, 10-95, 15-50, 20-35 and 25-5].

SOURCE: Adopted at 5 Ill. Reg. 751, effective January 8, 1981; codified at 5 Ill. Reg. 10647; amended at 6 Ill. Reg. 342, effective December 23, 1981; amended at 6 Ill. Reg. 7411, effective June 11, 1982; amended at 7 Ill. Reg. 209, effective December 22, 1982; amended at 8 Ill. Reg. 1564, effective January 23, 1984; amended at 8 Ill. Reg. 16769, effective August 30, 1984; amended at 9 Ill. Reg. 2916, effective February 26, 1985; emergency amendment at 9 Ill. Reg. 3825, effective March 13, 1985, for a maximum of 150 days; emergency expired August 10, 1985; amended at 9 Ill. Reg. 6181, effective April 24, 1985; amended at 9 Ill. Reg. 14291, effective September 5, 1985; amended at 10 Ill. Reg. 4835, effective March 6, 1986; amended at 11 Ill. Reg. 4638, effective March 10, 1987; amended at 12 Ill. Reg. 5306, effective March 8, 1988; emergency amendment at 12 Ill. Reg. 6981, effective April 4, 1988, for a maximum of 150 days; emergency expired September 1, 1988; emergency amendment at 12 Ill. Reg. 10525, effective June 7, 1988, for a maximum of 150 days; emergency expired November 4, 1988; amended at 12 Ill. Reg. 15982, effective September 27, 1988; amended at 13 Ill. Reg. 8419, effective May 19, 1989; emergency amendment at 13 Ill. Reg. 12643, effective July 14, 1989, for a maximum of 150 days; emergency expired December 11, 1989; emergency amendment at 13 Ill. Reg. 14085, effective September 4, 1989, for a maximum of 150 days; emergency expired February 1, 1990; emergency amendment at 13 Ill. Reg. 15118,

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

effective September 11, 1989, for a maximum of 150 days; emergency expired February 8, 1990; amended at 14 Ill. Reg. 6164, effective April 17, 1990; emergency amendment at 14 Ill. Reg. 6865, effective April 17, 1990, for a maximum of 150 days; emergency expired September 19, 1990; amended at 14 Ill. Reg. 8588, effective May 21, 1990; amended at 14 Ill. Reg. 16863, effective October 1, 1990; amended at 15 Ill. Reg. 4699, effective March 18, 1991; emergency amendment at 15 Ill. Reg. 5430, effective March 27, 1991, for a maximum of 150 days; emergency expired August 24, 1991; amended at 15 Ill. Reg. 9977, effective June 24, 1991; amended at 15 Ill. Reg. 13347, effective September 3, 1991; amended at 16 Ill. Reg. 5267, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 6016, effective March 25, 1992, for a maximum of 150 days; emergency expired August 22, 1992; amended at 16 Ill. Reg. 12526, effective July 28, 1992; amended at 17 Ill. Reg. 3853, effective March 15, 1993; emergency amendment at 17 Ill. Reg. 5915, effective March 25, 1993, for a maximum of 150 days; emergency expired August 22, 1993; amended at 17 Ill. Reg. 10806, effective July 1, 1993; amended at 18 Ill. Reg. 3277, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 5667, effective March 25, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 12652, effective August 9, 1994; amended at 19 Ill. Reg. 2396, effective February 17, 1995; emergency amendment at 19 Ill. Reg. 5262, effective April 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 10614, effective July 1, 1995; amended at 20 Ill. Reg. 4640, effective March 6, 1996; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 21 Ill. Reg. 9389; amended at 21 Ill. Reg. 4709, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 5590, effective April 15, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 12140, effective August 26, 1997; amended at 22 Ill. Reg. _____, effective _____.

Section 810.35 Statewide Sportfishing Regulations - Daily Catch and Size Limits

- a) Length is measured from the tip of the snout to the end of the tail with the fish laid flat on a ruler, with the mouth of the fish closed and the tail lobes pressed together.
- b) No fish species may be dressed (fileted or head and tail removed) on any waters to which length limits are applicable. Regardless of where taken, no fish less than the specified minimum length or more than the daily catch shall be possessed on the waters to which length limits and/or daily catch limits apply.
- c) Statewide limits by type of fish:
 - 1) CHANNEL CATFISH
There are no daily catch or size limits except in those waters listed under Site Specific Regulations.
 - 2) LARGemouth BASS, Smallmouth BASS, SPOTTED BASS
Daily catch limit is 6 bass, either singly or in the aggregate, except as specified under Site Specific Regulations. In streams and rivers (excluding the mainstem of the Mississippi, Ohio and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Wabash Rivers) the daily creel can contain no more than 3 smallmouth bass. There is no statewide size limit.
- 3) MUSKELLUNGE, NORTHERN PIKE AND THEIR HYBRIDS
 - A) All muskellunge and muskellunge hybrids (tiger muskie) taken must be 36 inches in total length or longer, except as specified under Site Specific Regulations.
 - B) No more than 1 muskellunge or muskellunge hybrid (tiger muskie), either singly or in the aggregate, may be taken per day, except as specified under Site Specific Regulations.
 - C) All northern pike taken must be 24 inches in total length or longer, except in the Mississippi River and Ohio River where there is no size limit.
 - D) No more than 3 northern pike may be taken per day, except as specified under Site Specific Regulations.
- 4) CRAPPIE (WHITE, BLACK OR HYBRID CRAPPIE)
There are no catch or size limits except in those waters listed under Site Specific Regulations.
- 5) BLUEGILL AND REDDEAR SUNFISH
There are no catch or size limits except in those waters listed under Site Specific Regulations.
- 6) STRIPED BASS (OCEAN ROCKFISH), WHITE BASS AND CYBRIDS
There are no daily catch limits or minimum size limits for striped bass (ocean rockfish), white bass, and their hybrids, which are less than 17 inches in total length, except in those waters listed under Site Specific Regulations. For these fish 17 inches in total length or longer, the daily limit is 3 fish, either singly or in the aggregate.
- 7) TROUT AND SALMON
Daily catch limit is 5 trout or salmon, either singly or in the aggregate.
- 8) WALLEYE, SAUGER OR THEIR HYBRID
 - A) All walleye, sauger, or their hybrid taken must be 14 inches in total length or longer, except in the Mississippi River, Ohio River, Wabash River, or as specified under Site Specific Regulations.
 - B) Daily catch limit is 6 walleye, sauger or their hybrid, either singly or in the aggregate, except in those waters listed under Site Specific Regulations. ~~There is no size limit-except in those waters--listed-under--Site--Specific Regulations.~~
- 9) RIVER RUFFE
There are no catch or size limits. Possession of living river ruffe is prohibited.
- 10) GOBIES (ROUND, tubenose)
There are no catch or size limits. Possession of living gobies is prohibited.
- 11) RUSTY CRAYFISH
Possession of living rusty crayfish is prohibited for all except

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

the holders of an approved aquaculture permit with a letter of authorization to import/possess this species.

- 12) RUDD
There are no catch or size limits. Possession of living rudd is prohibited.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 810.37 Definitions for Site Specific Sportfishing Regulations

a) Site Specific Regulations are listed by water area affected. The coverage of the regulation is dictated by the extent of the water area listed and not by the county. In some cases, regulations for a given water area or site may extend beyond the county(ies) listed. The county(ies) listed refer to the location of the dam or outfall for impoundments or mouths of small streams. Since large rivers or streams usually flow through many counties, the term "Multiple" is used rather than listing all counties where the large stream or river flows.

b) The subsections listed below are referred to by number in Section 810.45. Each water area listed in Section 810.45 has numbers in parenthesis which explain all of the definitions in this Section which apply to that water area.

- 1) Anglers must not use more than 2 poles and each pole must not have more than 2 hooks or lures attached while fishing, except that legal size cast nets, (in accordance with subsection 810.50(a)(1)) shad scoops, and minnow seines may be used to obtain shad, minnows, and crayfish to use as bait, provided that they are not sold.
- 2) Possession of yellow perch under 8 inches in total length or over 10 inches in total length is prohibited. Only yellow perch 8 to 10 inches in total length may be harvested.
- 3) All largemouth and smallmouth bass taken must be less than 12 inches in total length or greater than 15 inches in total length.
- 4) Except that sport fishermen shall be allowed to use trotlines and jugs, and except that the use and aid of underwater breathing devices is prohibited. West of Wolf Creek Road, fishing from boats is permitted all year. Trotlines/jugs must be removed from sunrise until sunset from Memorial Day through Labor Day. East of Wolf Creek Road, fishing from boats is permitted from March 15 through September 30. Fishing from the bank is permitted all year only at the Wolf Creek and Route 148 causeways. On the entire lake, jugs and trotlines must be checked daily and must be removed on the last day they are used. It is illegal to use stakes to anchor any trotlines; they must be anchored only with portable weights and must be removed on the last day they are used. The taking of carp and buffalo with bow and arrow is permissible.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- 5) Except that sport fishermen may take carp, carpsuckers, buffalo, gar, bowfin and suckers by pitchfork, gigs, bow and arrow or bow and arrow devices.
- 6) Including the Fox River south of the Illinois-Wisconsin line to the McHenry Dam.
- 7) Except that sport fishermen may take carp, buffalo, suckers and gar by bow and arrow or bow and arrow devices, gigs or spears during May and June.
- 8) Daily catch limit includes Striped Bass, White Bass, Yellow Bass and Hybrid Striped Bass either singly or in the aggregate.
- 9) Catch and Release Fishing Only means that fish (all or identified species) caught must be immediately released alive and in good condition back into the water from which it came.
- 10) It shall be illegal to process trout during the period of October 1 to 5 a.m. on the third Saturday in October (both dates inclusive) which were taken during that period.
- 11) It shall be illegal to possess trout during the period of March 15 to 5 a.m. on the 1st Saturday in April (both dates inclusive) which were taken during that period.
- 12) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 6 fish per day, no more than one of which shall be greater than 15 inches in length and none of which shall be greater than 12 inches and less than or equal to 15 inches in length.
- 13) Except that jug fishing is permitted from the hours of sunset to sunrise, and except that carp and buffalo may be taken by bow and arrow devices from May 1 through September 30. All jugs must have owner's/user's name and complete address affixed.
- 14) Daily catch limit includes all fish species (either singly or in the aggregate) caught within each of the following fish groupings.
 - A) Largemouth or Smallmouth Bass
 - B) Walleye, Sauger, or their hybrid
 - C) Bluegill or Redear Sunfish
- 15) Daily catch limit includes white, black, or hybrid crappie either singly or in the aggregate.
- 16) Daily catch limit includes Striped Bass, White Bass and Hybrid Striped Bass either singly or in the aggregate.
- 17) Daily catch limit shall not exceed 10 fish daily, no more than 3 of which may be 17 inches or longer in length.
- 18) Except that sport fishermen shall be allowed to use trout lines, jugs and bank poles in the portions of the lake that lie north of the Davenport Bridge and northeast of the Parnell Bridge.
- 19) No fishing within 250 yards of an occupied waterfowl blind (within the hunting area) on all Department-owned or -managed sites.
- 20) Carlyle Lake (including its tributary streams and those portions of the Kaskaskia River and Hurricane Creek up the U.S. Army Corps

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

of Engineers Carlyle Lake Project boundaries), U.S. Army Corps of Engineers, Bond, Clinton, and Fayette Counties.

- 21) Lake Shelbyville (including its tributary streams and those portions of the West Okaw and Kaskaskia Rivers up to Lake Shelbyville Project boundaries), U.S. Army Corps of Engineers, Shelby and Moultrie Counties.

- 22) Rend Lake (including its tributary streams and those portions of the Big Muddy and Casey Fork Rivers up to the Rend Lake Project boundaries), Rend Lake Project Ponds, U.S. Army Corps of Engineers, Franklin and Jefferson Counties.

- 23) Lake Vermillion and the portion of the North Fork of the Vermillion River between the Lake Vermillion Dam and the Interstate Water Company's Pump Station Spillway, Vermillion County Conservation District, Vermillion County.

- 24) 10 Fish Daily Creel Limit of which no more than 6 may be walleye.

- 25) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 3 fish per day, no more than one of which may be equal to or greater than 15 inches in total length and no more than 2 of which may be less than 15 inches in total length.

- 26) Lake Vermillion-- Trot line and jug finishing allowed north of Boiling Springs Road.

- 27) Except that bank fishing is prohibited. Boat fishing is permitted from the next to last Saturday in April until the second Sunday in October, during the hours of 6:00 a.m. to 10:00 a.m. and 3:00 p.m. to 8:00 p.m.

- 28) Except that trotlines may be set within 300 feet from shore.

- 29) Except that carp, buffalo, suckers and carpsuckers may be taken by means of pitchfork and gigs (no bow and arrow devices).

- 30) Fishing is permitted from March 15 through September 30, both dates inclusive, from sunrise to sunset. Fishing during all other times of the year is illegal and not permitted.

- 31) Daily catch limit for largemouth or smallmouth bass, singly or in the aggregate, shall not exceed 3 fish daily, no more than one of which may be equal to or greater than 15 inches in total length and no more than 2 of which may be less than 12 inches in total length.

- 32) Daily catch limit includes Striped Bass, White Bass, Yellow Bass and Hybrid Striped Bass, either singly or in the aggregate, no more than 4 of which may be 15 inches or longer in length.

- 33) It shall be unlawful to enter upon a designated waterfowl hunting area during the 7 days prior to the regular duck ~~waterfowl~~ season, or to fish on such areas during the regular duck ~~waterfowl~~ season except in areas posted as open to fishing. It shall be unlawful to enter upon areas designated as waterfowl rest areas or refuges from 2 weeks prior to the start of the regular duck ~~waterfowl~~ season through the end of duck and Canada goose ~~waterfowl~~ season.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- 34) Except that sport fishermen may take carp, buffalo, suckers and gar by bow and arrow or bow and arrow devices, gigs, or spears from May 1 through August 31.

- 35) Daily catch limit for Walleye, Sauger, or Hybrid Walleye, singly or in the aggregate, shall not exceed 3 fish daily, no more than one of which may be greater than 24 inches in total length and no more than 2 of which may be less than 18 inches in total length and greater than or equal to 14 inches in total length.

- 36) Except that sportfishermen may not use a minnow seine for bait collecting in Cook County Forest Preserve District Waters (except in the Des Plaines River).

- 37) All largemouth and smallmouth bass taken must be less than 12 inches in total length or greater than 16 inches in total length. Only 1 bass greater than 16 inches and 2 bass less than 12 inches may be taken in the creel daily.

- 38) All largemouth and smallmouth bass taken must be less than 14 inches in total length or greater than 18 inches in total length. Only 1 bass greater than 18 inches and 5 bass less than 14 inches may be taken in the creel daily.

- 39) Powerton Lake shall be closed to boat traffic from October 1 to February 15, except for legal waterfowl hunters, and closed to all unauthorized entry during the regular Canada goose and duck ~~waterfowl~~ season.

- 40) The 48 inch total length limit on pure muskellunge applies to that body of water listed as well any tailwaters as defined below:

Evergreen Lake (McLean County) - including the portion of Six Mile Creek below the Evergreen Lake Dam downstream to its confluence with the Mackinaw River.

Fox Chain O' Lakes (Lake/McHenry Counties) - including those portions of the Fox River below the McHenry Dam downstream to the Route 176 Bridge and upstream to the Wisconsin - Illinois State line.

Kinkaid Lake (Jackson County) - including the portion of Kinkaid Creek below the Kinkaid Lake Dam downstream to the Route 149 Bridge.

Lake Shelbyville (Moultrie/Shelby Counties) - including the portion of the Kaskaskia River below the Lake Shelbyville Dam downstream to the State Route 128 Road Bridge near Cowden.

Lake Vermillion (Vermillion County) - including the portion of the North Fork of the Vermillion River below the Lake Vermillion Dam downstream to its confluence with the Vermillion River.

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Otter Lake (Macoupin County) - including the portion of Otter Creek below Otter Lake Dam downstream to its confluence with East Otter Creek.

Pierce Lake (Winnebago County) - including the portion of Willow Creek below the Pierce Lake Dam downstream to Forest Hills Road.

Shabbona Lake (DeKalb County) - including that portion of Indian Creek below the Shabbona Lake Dam downstream to Shabbona Grove Road.

Spring Lakes (North and South) (Tazewell County) - no tailwaters.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 810.45 Site Specific Water Area Regulations

Fishing regulations, including species of fish, fishing methods and daily catch limits are listed for each water area. The numbers in parenthesis refer to the corresponding numbered definitions in Section 810.37 of this Part. If a water area is not listed or if a specific species is not listed, then state-wide restrictions apply. Check the bulletin boards at the specific site for any emergency changes to regulations.

Allison Lake, City of Lincoln
Logan County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Anderson Lake Fish and Wildlife Area (33)
Fulton County

Andover Lake, City of Andover
Henry County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Apple River
Jo Daviess County
Trout

- Spring Closed Season (11)

Apple River Basin - Special Management Zone (within the boundaries of Apple River Canyon State Park, including tributaries)

Jo Daviess County
All Fish
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Argyle Lake, Argyle Lake State Park
McDonough County

- All Fish
- Bluegill or Redear
- Sunfish (14)
- Channel Catfish
- Large or Smallmouth Bass (14)
- Trout
- Waiteye, Sauger or Hybrid
- Waiteye
- White, Black, or Hybrid
- Crappie (15)
- White, Black, or Hybrid
- Crappie
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 1 Fish more than 15" and/or 5 less than 12" Daily (12)
- Fall Closed Season (10)
- 14" Minimum Length Limit

Ashland City Reservoir, City of Ashland
Cass County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Ashley Reservoir, City of Ashley
Washington County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length

Auburn Park Lagoon, Chicago Park District
Cook County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Axehead Lake, Cook County Forest Preserve
Cook County

- All Fish
- Large or Smallmouth Bass
- Trout
- Trout
- 2 Pole and Line Fishing Only (1)
- (36)
- 14" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Baker Lake, City of Peru
LaSalle County

All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)

- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Baldwin Lake, Baldwin Lake Conservation Area
Randolph County

- All Fish
- 2 Pole and Line Fishing Only (1)(5)
 - 18" Minimum Length Limit
 - 17" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 25 Fish Daily Creel Limit
 - 9" Minimum Length Limit
- Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie

Banana Lake, Lake County Forest Preserve District
Lake County

- All Fish
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 1 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - Fall Closed Season (10)
 - Spring Closed Season (11)
- Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Trout
Trout

Banner Marsh Lake & Ponds, Banner Marsh State Fish and Wildlife Area (33)
Peoria/Fulton Counties

- All Fish
- 2 Pole and Line Fishing Only (1)(34)
 - 6 Fish Daily Creel Limit
 - 1 Fish Daily Creel Limit
 - 14" Minimum Length Limit
- Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Walleye-Sauger, or Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie

Batchtown Wildlife Management Area (33)
Calhoun County

Baumann Park Lake, City of Cherry Valley
Winnebago County

- All Fish
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 1 Fish Daily Creel Limit
- Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Beall Woods Lake, Beall Woods Conservation Area
Wabash County

- All Fish
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - Spring Closed Season (11)
 - Fall Closed Season (10)
- Channel Catfish
Large or Smallmouth Bass
Trout
Trout

Beaver Dam Lake, Beaver Dam State Park
Macoupin County

- All Fish
- 2 Pole and Line Fishing Only (1)
 - 25 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - Fall Closed Season (10)
- Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Trout
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie

Beck Lake, Cook County Forest Preserve District
Cook County

- All Fish
- 2 Pole and Line Fishing Only (1)(36)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 18" Minimum Length Limit
- Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye

Belk Park Pond, City of Wood River
Madison County

- Channel Catfish
- 6 Fish Daily Creel Limit

Bellevue Lake, Cook County Forest Preserve District
Cook County

- All Fish
- 2 Pole and Line Fishing Only (36)
 - 14" Minimum Length Limit
 - Fall Closed Season (10)
 - Spring Closed Season (11)
- Large or Smallmouth Bass
Trout
Trout

Bevier Lagoon, Waukegan Park District
Lake County

- All Fish
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Channel Catfish

Bird Park Quarry, City of Kankakee
Kankakee County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

All Fish
Channel Catfish
Trout
Trout

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Canton Lake, City of Canton
Fulton County

All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

Carbondale City Reservoir, City of Carbondale
Jackson County

Large or Smallmouth Bass
Large or Smallmouth
Bass (14)

- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

Carlyle Lake, U.S. Army Corps of Engineers (20) (33)

Clinton County
Large or Smallmouth Bass
~~Walleye-Sauger-or-Hybrid~~
~~Walleye~~
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie

- 14" Minimum Length Limit
- ~~14"-Minimum-Length-Limit~~
- 10 Fish Daily Creel Limit
- 10" Minimum Length Limit

Carthage Lake, City of Carthage
Hancock County

Channel Catfish

- 6 Fish Daily Creel Limit

Cedar Lake, U.S. Forest Service and
City of Carbondale
Jackson County (19)

All Fish
Large or Smallmouth Bass
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
~~Walleye-Sauger-or-Hybrid~~
~~Walleye~~

- 2 Pole and Line Fishing Only (1)
- 14"-18" Protected Slot Length Limit (no possession)
- 2 Fish Under 14" and 2 Fish Over 18" Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- ~~14"-Minimum-length-limit~~

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Centralia Foundation Park Catfish Pond, Centralia Park Foundation
Marion County

All Fish
Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Centralia Lake, City of Centralia
Marion County

Large or Smallmouth Bass

- 15" Minimum Length Limit

Cermack Quarry, Cook County Forest Preserve District
Cook County

All Fish
Channel Catfish
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)(36)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Champaign Park District Lakes (Kaufman Lake, Heritage Lake, and
Mattis Lake), Champaign Park District
Champaign County

All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Charleston Lower Channel Lake, City of Charleston
Coles County

All Fish

- 2 Pole and Line Fishing Only (1)

Charleston Side Channel Lake, City of Charleston
Coles County

All Fish
Channel Catfish
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit

Charlie Brown Lake & Pond, City of Flora
Clay County

All Fish
Channel Catfish
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Charter Oak North - Peoria Park District Lake, Peoria Park District
Peoria County

All Fish

- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Charter Oak South - Peoria Park District Pond, Peoria Park District
Peoria County
- All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
6 Fish Daily Creel Limit
15" Minimum Length Limit
1 Fish Daily Creel Limit
- Chauncey Marsh (19)
Lawrence County
- Chicago River (including its North Branch, South Branch, and the North Shore Channel)
Cook County
- Yellow Perch
Yellow Perch
- 15 Fish Daily Creel Limit
- 8" to 10" Harvest Slot Length
Limit (2) - Possession of Yellow Perch Under 8" or over 10" is Prohibited
- Closed During June
- Yellow Perch

Chenoa City Lake, City of ChenoaMcLean County

- All Fish
- 2 Pole and Line Fishing Only (1)

Citizen's Lake, City of Monmouth

Warren County

- All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Trout
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Fall Closed Season (10)

Clear Lake, Kickapoo State Park

Vermillion County

- All Fish
Channel Catfish
Trout
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Clinton Lake, Clinton Lake State Recreation Area (19)

DeWitt County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- All Fish
- 2 Pole and Line Fishing Only (1)(18)
- 14" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
--14"-Minimum-length-limit
- 15 Fish Daily Creel Limit
White, Black, or Hybrid
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped Bass (16)
Walleye-or-Sauger
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- Coffeeen Lake, Coffeeen Lake State Fish and Wildlife Area
Montgomery County
- Large or Smallmouth Bass
Large or Smallmouth Bass (14)
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 10 Fish Daily Creel Limit
- 9" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit

Coles County Airport Lake, Coles County Airport

Coles County

- All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Coleta Trout Pond, State of Illinois

Whiteside County

- Trout
Trout
- Fall Closed Season (10)
- Spring Closed Season (11)

Columbus Park Lagoon, Chicago Park District

Cook County

- All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Cook Co. F.P.D. Lakes, Cook County Forest Preserve District

Cook County

- All Fish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit

Coulterville City Lake, City of Coulterville

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Randolph County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Crab Orchard National Wildlife Refuge - Crab Orchard Lake, U.S. Fish and Wildlife Service (19)
Williamson County
All Fish
Striped, White, or Hybrid
Striped Bass (16)
- 2 Pole and Line Fishing Only (1)(4)
- 10 Creel/3 Fish 17" or Longer Daily (17)
Large or Smallmouth Bass
- 15" Minimum Length Limit

Crab Orchard National Wildlife Refuge - Devil's Kitchen Lake, U.S. Fish and Wildlife Service (19)
Williamson County
All Fish
- 2 Pole and Line Fishing Only (1)

Crab Orchard National Wildlife Refuge - Little Grassy Lake, U.S. Fish and Wildlife Service (19)
Williamson County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)

Crab Orchard National Wildlife Refuge. Refuge Ponds (except Visitor Pond), U.S. Fish and Wildlife Service
Williamson County
All Fish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 15" Minimum Length Limit

Crab Orchard National Wildlife Refuge. Visitor Pond, U.S. Fish and Wildlife Service
Williamson County
All Fish (30)
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
(5)
- 21" Minimum Length Limit

Crawford Co. Cons. Area - Picnic Pond, Crawford County Conservation Area
Crawford County
All Fish
Channel Catfish
Large or Smallmouth Bass
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Fall Closed Season (10)

Crawford Co. Cons. Area Ponds, Crawford County Conservation Area
Crawford County
All Fish
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Channel Catfish
Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Crull Impoundment Wildlife Management Area (33)
Jersey County
Crystal Lake, Urbana Park District
Champaign County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Dawson Lake & Park Ponds, Moraine View State Park
McLean County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Walleye-Sauger or Hybrid
Walleye
Walleye, Sauger, or Hybrid
Walleye (14)
White, Black or Hybrid Crappie
White, Black or Hybrid
Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
--14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 9" Minimum Length Limit
- 15 Fish Daily Creel Limit

Decatur Park Dist. Ponds, City of Decatur
Macon County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Deep Pit Lake, Boone County Conservation District
Boone County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit

Defiance Lake, Moraine Hills State Park
McHenry County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Des Plaines River Basin - Special Management Zone (Hoffman Dam to 47th Street Bridge, including tributaries)
Cook County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Channel Catfish - 15" Minimum Length Limit
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - Catch and Release Only - No Harvest Permitted (9)
 - 30" Minimum Length Limit
 - 1 Fish Daily Creel Limit
 - 10 Fish Daily Creel Limit
 - 18" Minimum Length Limit
 - 1 Fish Daily Creel Limit
- Northern Pike
 Northern Pike
 White, Black or Hybrid
 Crappie (15)
 Walleye, Sauger, or Hybrid Walleye
 Hybrid Walleye
 Walleye, Sauger, or Hybrid Walleye (14)
- Des Plaines River Conservation Area (19)
 Will County
- Dog Island Wildlife Management Area (19)
 Pope County
- Doan Lake, Hamilton County Conservation Area
 Hamilton County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Walleye-Sauger-or-Hybrid
 Walleye
 --14"-Minimum-Length-Limit
- Donnelley State Wildlife Area (33)
 Bureau County
- Douglas Park Lagoon, Chicago Park District
 Cook County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- DuPage County Forest Preserve District Lakes and Ponds, DuPage County Forest Preserve District
 DuPage County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 3 Fish Daily Creel Limit
- DuPage River - West Branch (between the dams located in the McDowell Grove Forest Preserve and the Warrenville Grove Forest Preserve)
 DuPage County
 Large or Smallmouth Bass
 - Catch and Release

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- East Fork Lake, City of Olney
 Richland County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Walleye-Sauger-or-Hybrid
 Walleye
 White, Black, or Hybrid
 Crappie (15)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 --14"-Minimum-Length-Limit
 - 25 Fish Daily Creel Limit
- Eldon Hazlet State Park (19) (See Also Carlyle Lake)
 Clinton County
- Elliott Lake, Wheaton Park District
 DuPage County
 All Fish
 Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
- Evergreen Lake, City of Bloomington
 McLean County
 All Fish
 Large or Smallmouth Bass
 Pure Muskellunge
 Walleye-Sauger-or-Hybrid
 Walleye
 White, Black, or Hybrid
 Crappie (15)
 - 2 Pole and Line Fishing Only (1)
 - 15" Minimum Length Limit
 - 48" Minimum Length Limit (40)
 --14"-Minimum-Length-Limit
 - 25 Fish Daily Creel Limit
- Faries Park Pond, City of Decatur
 Macon County
 Trout
 - Fall Closed Season (10)
- Ferne Clyffe Lake, Ferne Clyffe State Park
 Johnson County
 All Fish
 Channel Catfish
 Trout
 Trout
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - Fall Closed Season (10)
 - Spring Closed Season (11)
- Flatfoot Lake, Cook County Forest Preserve District
 Cook County
 All Fish
 Channel Catfish
 Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)(36)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Foli Park Pond, Village of Plano

Kendall County

- All Fish
- Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Forbes State Lake, Stephen A. Forbes State Park

Marion County

- Striped, White, or Hybrid
- Striped Bass
- Striped, White, or Hybrid
- Striped Bass (16)
- Walleye-Sauger or Hybrid
- Walleye
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit

Forbes State Park Ponds, Stephen A. Forbes State Park

Marion County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)(5)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Forest Park Lagoon, City of Shelbyville

Shelby County

- All Fish
- Channel Catfish
- Trout
- Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Fort de Chartres Historic Site (19)

Randolph County

Four Lakes, Winnebago County Forest Preserve

Winnebago County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit

Fox Chain O'Lakes (including the Fox River south of the Wisconsin-Illinois boundary to the McHenry Dam) (6) (Applies to Grass Lake and Nippersink Lake State Managed Blind Areas Only (19)), State of Illinois

Lake and McHenry Counties

- Large or Smallmouth Bass
- Pure Muskellunge
- Walleye, Sauger, or Hybrid
- Walleye
- 14" Minimum Length Limit (6)
- 48" Minimum Length Limit (40)
- 14" Minimum Length Limit with an 18-24" Protected Slot Length Limit (no possession)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

(6)

Walleye, Sauger, or Hybrid

- Walleye (14)
- 2 Fish > or = 14" and < 18" & or 1 Fish > 24" Daily Creel Limit (35)

Fox Ridge State Park (19)

Coles County

Fox River Basin - Special Management Zone (North Aurora Dam to Montgomery Dam, including tributaries)

Kane County

- Large or Smallmouth Bass
- 14" Minimum Length Limit

Fox River Basin - Special Management Zone (South Elgin Dam to North Aurora Dam, including tributaries)

Kane County

- Large or Smallmouth Bass
- Catch and Release Only - No Harvest Permitted (9)

Frank Holten Lakes, Frank Holten State Park

St. Clair County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Trout
- Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)

Franklin Creek (within the boundaries of Franklin Creek State Natural Area)

Lee County

- All Fish
- 2 Pole and Line Fishing Only (1)(9)

Fuller Lake (19)

Calhoun County

Fulton County Camping and Recreation Area Waters, Fulton County Board

Fulton County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Large or Smallmouth Bass (14)
- Blue gill or Redear
- Sunfish (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12"-15" Protected Slot Length Limit (no possession)
- 3 Fish Daily Creel Limit
- 25 Fish Daily Creel Limit

Gages Lake, Wildwood Park District

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Lake County
All Fish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Walleye, Sauger, or Hybrid Walleye
- 2 Pole and Line Fishing Only (1)
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 16" Minimum Length Limit
- Gale Lake, Village of East Galesburg
Knox County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Garfield Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Gebhard Woods Ponds, Gebhard Woods State Park
Grundy County
All Fish
Channel Catfish
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Spring Closed Season (11)
- Giant City Park Ponds, Giant City State Park
Jackson and Union Counties
Largemouth and Spotted Bass
- 15" Minimum Length Limit
- Gillespie New City Lake, City of Gillespie
Macoupin County
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit
- 3 Fish Daily Creel Limit
- Gillespie Old City Lake, City of Gillespie
Macoupin County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Glades - 12 Mile Island Wildlife Management Area (33)
Jersey County
- Gladstone Lake, Henderson County Conservation Area

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Henderson County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 10 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit
- 3 Fish Daily Creel Limit
- Glen Oak Park Lagoon, Peoria Park District
Peoria County
All Fish
Channel Catfish
Glen Shoals Lake, City of Hillsboro
Montgomery County
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Godar-Diamond/Hurricane Island Wildlife Management Area (33)
Calhoun County
- Gompers Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Gordon F. More Park Lake, City of Alton
Madison County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Limit
- Governor Bond Lake, City of Greenville
Bond County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 17" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Striped, White, or Hybrid
Striped Bass (16) - 3 Fish Daily Creel Limit
- Grayslake Park District (Grayslake and Park Ponds)
Lake County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Greenfield City Lake, City of Greenfield
Greene County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 12"-15" Protected Slot Length Limit (no possession)
Large or Smallmouth Bass - 5 Fish Under 12" and 1 Fish Over 15" Daily Creel Limit
- Greenville Old City Lake, City of Greenville
Bond County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Trout - Fall Closed Season (10)
- Harrisburg New City Reservoir, City of Harrisburg
Saline County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Striped, White, or Hybrid Striped Bass - 17" Minimum Length Limit
Striped, White or Hybrid Striped Bass (16) - 3 Fish Daily Creel Limit
- Harrisburg Holding Pits North and South, City of Harrisburg
Saline County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- Heidecke Lake, Heidecke Lake State Fish and Wildlife Area
Grundy County (33)
(Shall be closed to all fishing and boat traffic except for legal waterfowl hunters from 2 weeks prior to duck season through the day before duck season and is closed to all fishing during waterfowl season commencing with regular duck season through the close of the Canada goose and regular duck season until the close of waterfowl season)
All Fish - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Channel Catfish
Large or Smallmouth Bass - 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14) - 18" Minimum Length Limit
Striped, White, or Hybrid - 3 Fish Daily Creel Limit
Striped Bass (16) - 10 Creel/3 Fish 17" or Longer Daily (17)
- Walleye, Sauger, or Hybrid
Walleye - 22" Minimum Length Limit
Walleye, Sauger, or Hybrid - 3 Fish Daily Creel Limit
Walleye (14)
- Helmhold Slough (19)
Calhoun County
- Hennepin Canal-Mainline & Feeder, Hennepin Canal Parkway State Park
Multiple Counties
All Fish - 2 Pole and Line Fishing Only (1)(13)
Large or Smallmouth Bass - 14" Minimum Length Limit
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)
Walleye, Sauger, or Hybrid - 14"-Minimum-length-limit
Walleye
- Hidden Springs State Forest Ponds, Hidden Springs State Forest
Shelby County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear - 10 Fish Daily Creel Limit
Sunfish (14) - 6 Fish Daily Creel Limit
Channel Catfish - 18" Minimum Length Limit
Large or Smallmouth Bass - 1 Fish Daily Creel Limit
- Highland Old City Lake, City of Highland
Madison County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Trout - Fall Closed Season (10)
- Hillsboro Old City Lake, City of Hillsboro
Montgomery County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
- Homer Lake, Champaign County Forest Preserve District
Champaign County
All Fish - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Channel Catfish
Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Hornell Pond, Donnelly State Fish and Wildlife Area
Bureau County
All Fish
- 2 Pole and Line Fishing Only (1)(5)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Channel Catfish
Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Horseshoe Lake-Alexander Co., Horseshoe Lake Conservation Area
Alexander County
(Only trolling motors in refuge from October 5-March 1)
All Fish
- 2 Pole and Line Fishing Only (1)(5)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Channel Catfish
Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Horseshoe Lake-Madison County, Horseshoe Lake State Park (33)
Madison County
All Fish
- 2 Pole and Line Fishing Only (1)(28)(34)
- 15" Minimum Length Limit
Large or Smallmouth Bass
- 3 Fish Daily Creel Limit
White, Black or Hybrid Crappie (15) - 25 Fish Daily Creel Limit
- Horton Lake, Nauvoo State Park
Hancock County
All Fish
- 2 Pole and Line Fishing Only (1)
Channel Catfish
- 6 Fish Daily Creel Limit
- Hulit Park Big Lake, Canton Park District
Fulton County
All Fish
- 2 Pole and Line Fishing Only (1)
Channel Catfish
- 6 Fish Daily Creel Limit
Large or Smallmouth Bass
- 15" Minimum Length Limit
Large or Smallmouth Bass (14)
- 1 Fish Daily Creel Limit
- Humbolt Park Lagoon, Chicago Park District
Cook County
All Fish
- 2 Pole and Line Fishing Only (1)
Channel Catfish
- 6 Fish Daily Creel Limit
- Illinois & Michigan Canal, State of Illinois
Grundy/LaSalle/Will Counties
All Fish
- 2 Pole and Line Fishing Only (1)
Channel Catfish
- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Illinois Beach State Park Ponds, Illinois Beach State Park
Lake County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Illinois Department of Transportation Lake, State of Illinois
Sangamon County
All Fish
Channel Catfish
Large or Smallmouth Bass
Trout
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Illinois River - Pool 26 (19)
Calhoun County
Indian Boundary South Pond, Frankfort Square Park District
Will County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Jackson Park (Columbia Basin) Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Johnson Sauk Trail Lake & Pond, Johnson Sauk Trail State Park
Henry County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Jones Park Lake, City of East St. Louis
St. Clair County
All Fish
Channel Catfish
Trout
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Jones State Lake, Saline County Conservation Area
Saline County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14"-18" Protected Slot Length Limit (no possession) (38)
- 5 Fish under 14" and 1 Fish over 18" Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Jones Lake Trout Pond, Saline County Conservation Area
Saline County
Trout
- Fall Closed Season (10)
- Jubilee College State Park Ponds,
Jubilee College State Park
Peoria County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Kankakee River Basin - Special Management Zone (Wilmington Dam to the Mouth of the Kankakee River, including tributaries)
Will/Grundy Counties
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
- 12" - 16" Protected Slot Length Limit (no possession) (37)
- 1 Fish over 16" and 2 Fish under 12" Daily Creel Limit
- Kankakee River Basin - Special Management Zone (Kankakee Dam to the Wilmington Dam, including tributaries)
Kankakee/Will Counties
Large or Smallmouth Bass
Large or Smallmouth Bass
- 14" Minimum Length Limit
- Catch and Release Only Season in tributaries - No Harvest May 1 through June 15 (9)
- Kankakee River State Park (19)
Kankakee/Will Counties
- Kaskaskia-River-6-all-tributaries-7-State-of-Illinois
Multiple-Counties
Walleye-Sauger-7-or-Hybrid
Walleye
--14"-Minimum-length-limit
- Kaskaskia River Fish and Wildlife Area (19)
St. Clair/Randolph/Monroe Counties
- Kaskaskia River Fish and Wildlife Area - Doza Creek Wildlife Management Area (33)
St. Clair County
- Kendall Co. Lake #1, Kendall County Forest Preserve District
Kendall County
All Fish
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Kent Creek
Winnebago County
Trout
- Spring Closed Season (11)
- Kickapoo State Park Lakes & Ponds, Kickapoo State Park
Vermillion County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Kinkaid Lake, Kinkaid Lake State Fish and Wildlife Area (19)
Jackson County
Large-or-Smallmouth-Bass
Large-or-Smallmouth-Bass-(14)
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
- 12"-16"-Protected-Slot-Length-Limit-(no-possession)
- 2-Fish-Under-12"-and-2-Fish-Over-16"-Daily-Creel-Limit
- 16" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 48" Minimum Length Limit (40)
- 14"-Minimum-length-limit
- Lake Atwood, McHenry County Conservation District
McHenry County
All Fish
Channel Catfish
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Spring Closed Season (11)
- Lake Bloomington, City of Bloomington
McLean County
All Fish
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
Walleye-Sauger-7-or-Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
- 2 Pole and Line Fishing Only (1)
- 15" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- 14"-Minimum-length-limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Lake Carlton, Morrison-Rockwood State Park

- Whiteside County
- All Fish
 - Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 1 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 36" Minimum Length Limit
 - Pure Muskellunge
 - Walleye-Sauger-or-Hybrid
 - Walleye
 - White, Black, or Hybrid
 - Crappie (15)
 - 14"-Minimum-Length-Limit
 - 25 Fish Daily Creel Limit

Lake Co. Forest Preserve District Lakes, Lake County Forest Preserve District

- Lake County
- All Fish
 - Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 1 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - Large or Smallmouth Bass (14)
 - Large or Smallmouth Bass

Lake Decatur, City of Decatur

- Macon County
- All Fish
 - Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 14" Minimum Length Limit
 - Walleye-Sauger-or-Hybrid
 - Walleye
 - 14"-Minimum-Length-Limit

Lake Depue Fish and Wildlife Area (33)

- Bureau County
- Channel Catfish
 - Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 1 Fish Daily Creel Limit
 - Large or Smallmouth Bass (14)

Lake Eureka, City of Eureka

- Woodford County
- All Fish
 - Channel Catfish
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)

Lake George, Loud Thunder Forest Preserve

- Rock Island County
- All Fish
 - Channel Catfish
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 36" Minimum Length Limit
 - Pure Muskellunge
 - Walleye-Sauger-or-Hybrid
 - Walleye
 - White, Black, or Hybrid
 - Crappie (15)
 - 14"-Minimum-Length-Limit
 - 25 Fish Daily Creel Limit

Lake Jacksonville, City of Jacksonville

- 10" Minimum Length Limit
- no more than 5 fish of any one species daily, except for Lake Trout

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Morgan County

- All Fish
- Channel Catfish
- Large or Smallmouth Bass
- Striped, White, or Hybrid
- Striped Bass
- 17" Minimum Length Limit
- Striped, White, or Hybrid
- Striped Bass (16)
- White, Black, or Hybrid
- Crappie
- White, Black, or Hybrid
- Crappie
- 3 Fish Daily Creel Limit
- 25 Fish Daily Creel Limit
- 9" Minimum Length Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Lake Kakusha, City of Mendota

- LaSalle County
- All Fish
 - Bluegill or Redear Sunfish (14)
 - Channel Catfish
 - Large or Smallmouth Bass
 - Large or Smallmouth Bass (14)
 - White, Black, or Hybrid
 - Crappie (15)
 - 10 Fish Daily Creel Limit
 - 2 Pole and Line Fishing Only (1)
 - 10 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 3 Fish Daily Creel Limit

Lake Le-Aqua-Na, Lake Le-Aqua-Na State Park

- Stephenson County
- All Fish
 - Bluegill or Redear Sunfish (14)
 - Channel Catfish
 - Large or Smallmouth Bass (14)
 - Large or Smallmouth Bass
 - Walleye-Sauger-or-Hybrid
 - Walleye
 - White, Black, or Hybrid
 - Crappie (15)
 - 2 Pole and Line Fishing Only (1)
 - 10 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 1 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 14"-Minimum-Length-Limit
 - 10 25 Fish Daily Creel Limit

Lake Mendota, City of Mendota

- LaSalle County
- All Fish
 - Channel Catfish
 - Large or Smallmouth Bass (14)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 1 Fish >or=15" &/or 2 < 12" Daily (31)

Lake Michigan (Illinois Portion), State of Illinois

- Lake/Cook Counties
- Trout and Salmon
 - Trout and Salmon

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Lake Trout
Yellow Perch
Yellow Perch
- 2 Fish Daily Creel Limit
 - 15 Fish Daily Creel Limit
 - 8" to 10" Harvest Slot Length Limit (2) - Possession of Yellow Perch Under 8" or over 10" is prohibited; Taking of yellow perch from charter boats is prohibited
 - Closed During June
 - Catch and Release Fishing Only (no possession) (9)
- Yellow Perch
Large or Smallmouth Bass (14)

Lake Milliken, Des Plaines Conservation Area

Will County

- All Fish
Channel Catfish
Large or Smallmouth Bass
Trout
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - Spring Closed Season (11)

Lake Mingo & Kennekuk Cove Park Ponds, Vermillion County Conservation Area

Vermillion County

- All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Walleye-Sauger-~~or~~-Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
 - 25 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 14"-Minimum-Length-Limit

Lake Murphysboro, Lake Murphysboro State Park

Jackson County

- All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
 - 25 Fish Daily Creel Limit
 - 6 Fish Daily Creel Limit
 - 3 Fish Daily Creel Limit

Lake Nellie, City of St. Elmo

Fayette County

- All Fish
Channel Catfish
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 17" Minimum Length Limit
 - 3 Fish Daily Creel Limit

Lake of the Woods & Elk's Pond, Champaign County Forest Preserve District
Champaign County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Trout
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 1 Fish Daily Creel Limit
 - Spring Closed Season (11)

Lake Olson, Rock Cut State Park

Winnebago County

- All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 1 Fish Daily Creel Limit

Lake Owen, Hazel Crest Park District

Cook County

- All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Lake Paradise, City of Mattoon

Coles County

- All Fish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
 - 14" Minimum Length Limit

Lake Paradise Shadow Ponds, City of Mattoon

Coles County

- All Fish
Large or Smallmouth Bass
Channel Catfish
- 2 Pole and Line Fishing Only (1)
 - 14" Minimum Length Limit
 - 6 Fish Daily Creel Limit

Lake Sara, City of Effingham

Effingham County

- Large or Smallmouth Bass
Walleye-Sauger-~~or~~-Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
- 14" Minimum Length Limit
 - 14"-Minimum-Length-Limit
 - 25 Fish Daily Creel Limit

Lake Shelbyville (21), U.S. Army Corps of Engineers

Moultrie/Shelby Counties

- (During the regular waterfowl season, no bank or boat fishing shall be permitted on the Kaskaskia River from the Strickland Boat Access north to the Illinois Central Railroad Bridge from one-half hour before sunrise to 1 p.m.)
- Large or Smallmouth Bass
Pure Muskellunge
Walleye-Sauger-~~or~~-Hybrid
Walleye
White, Black, or Hybrid
Crappie (15)
- 14" Minimum Length Limit
 - 48" Minimum Length Limit (40)
 - 14"-Minimum-Length-Limit
 - 10 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

White, Black, or Hybrid
Crappie

- 10" Minimum Length Limit

Lake Shelbyville - Project Ponds & Woods Lake, Lake Shelbyville State Fish and Wildlife Area (33)

Moultrie/Shelby Counties

All Fish

- 2 Pole and Line Fishing Only (1)

- 6 Fish Daily Creel Limit

- 14" Minimum Length Limit

Channel Catfish

Large or Smallmouth Bass

White, Black, or Hybrid

Crappie

- 10" Minimum Length Limit

Lake Sinnissippi (19)

Whiteside County

Lake Springfield, City of Springfield

Sangamon County

All Fish

- 2 Pole and Line Fishing Only (1)

- 15" minimum Length Limit

Large or Smallmouth Bass

Walleye-Sauger-or-Hybrid

Walleye

White, Black, or Hybrid

Crappie (15)

White, Black, or Hybrid

Crappie

Lake Storey, City of Galesburg

Knox County

All Fish

Bluegill or Redear Sunfish (14)

Channel Catfish

Large or Smallmouth Bass

Walleye-Sauger-or-Hybrid

Walleye

Walleye, Sauger, or Hybrid

Walleye (14)

Lake Strini, Village of Romeoville

Will County

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only (1)

- 6 Fish Daily Creel Limit

Lake Sule, Flagg-Rochelle Park District

Ogle County

All Fish

Bluegill or Redear

- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Sunfish (14)

Channel Catfish

Large or Smallmouth Bass

Large or Smallmouth Bass (14)

Pure Muskellunge

Walleye-Sauger-or-Hybrid

Walleye

White, Black or Hybrid

Crappie (15)

- 5 Fish Daily Creel Limit

- 6 Fish Daily Creel Limit

- 14" Minimum Length Limit

- 1 Fish Daily Creel Limit

- 36" Minimum Length Limit

- 14" Minimum Length Limit

- 10 Fish Daily Creel Limit

- 15" Minimum Length Limit

- 9" Minimum Length Limit

- 25 Fish Daily Creel Limit

Lake Vandalia, City of Vandalia

Fayette County

All Fish

Channel Catfish

Large or Smallmouth Bass

Striped, White, or Hybrid

Striped Bass

Striped, White, or Hybrid

Striped Bass (16)

- 3 Fish Daily Creel Limit

Lake Vermillion, Vermillion County Conservation District

Vermillion County

All Fish

Large or Smallmouth Bass

Pure Muskellunge

Walleye-Sauger-or-Hybrid

Walleye

White, Black, or Hybrid

Crappie

White, Black, or Hybrid

Crappie (15)

- 2 Pole and Line Fishing Only (26)

- 15" Minimum Length Limit (23)

- 48" Minimum Length Limit (40)

- 14" Minimum Length Limit (23)

- 9" Minimum Length Limit

- 25 Fish Daily Creel Limit

- 2 Pole and Line Fishing Only (1)

- 6 Fish Daily Creel Limit

- 14" Minimum Length Limit

- 1 Fish Daily Creel Limit

Lake Victoria, City of South Beloit

Winnebago County

All Fish

Channel Catfish

Large or Smallmouth Bass

Large or Smallmouth

Bass (14)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Lake Williamsville, City of Williamsville

Sangamon County
All Fish
Channel Catfish
Berge-or-Smallmouth-Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
--15"-Minimum-Length-Limit

LaSalle Lake, LaSalle Power Station

LaSalle County
All Fish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 1 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 10 Creel/3 Fish 17" or Longer
Daily (17)

Levings Lake, Rockford Park District

Winnebago County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass
Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 1 Fish Daily Creel Limit

Lincoln Log Cabin Pond, Lincoln Log Cabin Historical Site

Coles County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
15" Minimum Length Limit
1 Fish Daily Creel Limit

Lincoln Park North Lagoon, Chicago Park District

Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Lincoln Park South Lagoon, Chicago Park District

Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Lincoln Trail Lake, Lincoln Trail State Park

Clark County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)

Little Black Slough, Little Black Slough State Natural Area

- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Johnson County

All Fish
All Fish
- 2 Pole and Line Fishing Only (1)
- No Seines

Little Sister Lake, County of Fulton

Fulton County
All Fish
Bluegill or Redear
Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- 3 Fish Daily Creel Limit

Little Vermillion River Basin - Special Management Zone (river mainstem and tributaries)

LaSalle County
Large or Smallmouth Bass
- Catch and Release Only Season
No Harvest May 1 through
June 15 (9)

Lou Yeager Lake, City of Litchfield

Montgomery County
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 15" minimum Length Limit
- 3 Fish Daily Creel Limit

Loami Reservoir, City of Loami

Sangamon County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Lower Cache River, Lower Cache River State Natural Area

Pulaski/Johnson Counties
All Fish
All Fish
- 2 Pole and Line Fishing Only (1)
- No Seines

Lyerla Lake, Union County Conservation Area

Union County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Macon County Conservation District

Ponds, Macon County Conservation District
Macon County
All Fish
- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Channel Catfish - 6 Fish Daily Creel Limit
- Marissa City Lake, City of Marissa
St. Clair County
Channel Catfish - 6 Fish Daily Creel Limit
- Maple Lake, Cook County Forest Preserve District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Fishing Only (1)(36)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
- Marquette Park Lagoon, Chicago Park District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- Marshall County Conservation Area (Fishing Ditch), Marshall County
Conservation Area (33)
Marshall County
Unlawful--to-trespass-upon-designated-waterfowl-hunting-areas-7-days-prior-to-the-waterfowl-season-and-on-areas-designated-as-waterfowl-refuges-from-October-10-until-the-end-of-the-waterfowl-season
All Fish - 2 Pole and Line Fishing Only (1)
- Marshall County Conservation Area - Sparland Unit (19)
Marshall County
- Mascoutah Reservoir, City of Mascoutah
St. Clair County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
- Massac County Fairgrounds Pond, State of Illinois
Massac County
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)
- Mattoon Lake, City of Mattoon
Coles County
All Fish - 2 Pole and Line Fishing Only (1)
Large or Smallmouth Bass - 14" Minimum Length Limit
- Mautino Fish and Wildlife Area, Mautino Fish and Wildlife Area
Bureau County
All Fish - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- Mauvaise Terre/Morgan Lake, City of Jacksonville
Morgan County
Large or Smallmouth Bass - 15" Minimum Length Limit
- Mazonia Lakes & Ponds, Mazonia State Fish and Wildlife Area (33)
Grundy County
Mazonia-lakes-and-pond-are-closed-to-all-fishing-and-boat-traffic--from--2-weeks-prior-to-duck-season-through-the-day-before-duck-season-and-is-closed-to-all-fishing-during-waterfowl-season-commencing-with-duck-season
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
White, Black or Hybrid Crappie (15) - 10 Fish Daily Creel Limit
- McCullom Lake, City of McHenry
McHenry County
All Fish - 2 Pole and Line Fishing Only (1)
Bluegill or Redear Sunfish (14) - 25 Fish Daily Creel Limit
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 15" Minimum Length Limit
Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
- McKinley Park Lagoon, Chicago Park District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
- McLeansboro City Lakes, City of McLeansboro
Hamilton County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
- Meredosia Lake - Cass County Portion Only (meandered waters only) (33)
Cass County
- Meredosia Lake - Cass County Portion
Cass County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

(Meandered waters only) (All boat traffic is prohibited from operating on meandered waters (except non-motorized boats may be used to assist in the retrieval of waterfowl shot from private land) from the period from one week before waterfowl season opens until the season closes; hunting and/or any other activity is prohibited during the period from one week before waterfowl season opens until the season closes)

Mermet State Lake, Mermet Lake Conservation Area (33)

Massac County
All Fish

- 2 Pole and Line Fishing Only (1)
- (5)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Channel Catfish
Large or Smallmouth Bass

Middle Fork Forest Preserve Ponds, Champaign County Forest Preserve

Champaign County

- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass

Middle Fork of the Vermilion River, Kickapoo State Park and Middle Fork Fish and Wildlife Area

Vermilion County
All Fish

- 2 Pole and Line Fishing Only (1)

Middle Fork of the Vermilion River Basin - Special Management Zone (river mainstem and tributaries)

Vermilion/Champaign/Ford Counties County

- 14" Minimum Length Limit
- Catch and Release Only Season in tributaries - No Harvest May 1 through June 15 (9)

Large or Smallmouth Bass
Large or Smallmouth Bass

Mill Creek Lake, Clark County Park District

Clark County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)

All Fish
Channel Catfish
Large or Smallmouth Bass

Mill Pond, Pearl City Park District

Stephenson County

- 2 Pole and Line Fishing Only (1)
- 14" Minimum Length Limit

All Fish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)

- 1 Fish Daily Creel Limit

Mill Race Ponds, Belvidere Park District

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Boone County
Trout

- Spring Closed Season (11)

Miller Park Lake, City of Bloomington

McLean County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Spring Closed Season (11)

All Fish
Channel Catfish
Trout

Mineral Springs Park Lagoon, City of Pekin

Tazewell County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)

All Fish
Channel Catfish
Trout

Mississippi River Pools 16, 17, 18, 21, 22, 24, 25, 26 (19)

Multiple Counties

Mississippi River (between IL & IA), State of Illinois

Multiple Counties

- 14" Minimum Length Limit
- 5 Fish Daily Creel Limit
- 10 Fish Daily Creel Limit (24)
- 15" Minimum Length Limit

Large or Smallmouth Bass
Northern Pike
Walleye and Sauger (14)
Walleye

Mississippi River (between IL & MO), State of Illinois

Multiple Counties

(Boating prohibited on refuge area (Ellis Bay) immediately upstream south of Melvin Price Lock and Dam 26 overflow dike from October 15-April 15)

- 1 Fish Daily Creel Limit
- 8 Fish Daily Creel Limit

Northern Pike
Walleye and Sauger (14)

Monee Reservoir, Will County Forest Preserve District

Will County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit

All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass

Montrose Lake, City of Montrose

Cumberland County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

All Fish
Channel Catfish
Large or Smallmouth Bass

Mt. Olive City Lakes, City of Mt. Olive

Macoupin County

- 2 Pole and Line Fishing Only (1)

All Fish

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Channel Catfish - 6 Fish Daily Creel Limit
- Mt. Olive (Old) Lake, City of Mt. Olive
Macoupin County
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 3 Fish Daily Creel Limit
- Mt. Pulaski Park District Lake, Mt. Pulaski Park District
Logan County
All Fish
- 2 Pole and Line Fishing Only (1)
- Mt. Sterling Lake, City of Mt. Sterling
Brown County
Channel Catfish
Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- Mt. Vernon City Park Lake, City of Mt. Vernon
Jefferson County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
Large or Smallmouth Bass (14)
- 1 Fish Daily Creel Limit
- Mt. Vernon Game Farm Pond, Mt. Vernon Game Farm
Jefferson County
All Fish
- 2 Pole and Line Fishing Only (1)
- Fall Closed Season (10)
- Spring Closed Season (11)
Trout
Trout
- Mundelein Park Dist. (Diamond Lake & Park Ponds), City of Mundelein
Lake County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- Nashville City Lake, City of Nashville
Washington County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit
Channel Catfish
Large or Smallmouth Bass
- Newton Lake, Newton Lake State Fish and Wildlife Area
Jasper County
All Fish
- 2 Pole and Line Fishing Only (1)
(5)
- 18" Minimum Length Limit
Large or Smallmouth Bass

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Large or Smallmouth Bass (14)
Walleye-Sauger, or Hybrid
Walleye
- 3 Fish Daily Creel Limit
- 14" Minimum Length Limit
- White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 10 Fish Daily Creel Limit
- 10" Minimum Length Limit
- Norris City Reservoir, City of Norris City
White County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Oakford Conservation Area (Menard County) (19)
Menard County
- Oakland City Lake, City Lake, City of Oakland
Coles County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Ohio River (between Illinois & Kentucky), State of Illinois
Multiple Counties (19)
Large or Smallmouth Bass
Northern Pike
Muskie or Tiger Muskie
Muskie or Tiger Muskie
Walleye, Sauger, or Hybrid
Walleye (14)
White, Black, or Hybrid
Crappie (15)
Striped, White, Yellow or Hybrid
Striped Bass
- 12" Minimum Length Limit
- No Length or Creel Limit
- 2 Fish Daily Creel Limit
- 30" Minimum Length Limit
- 10 Fish Daily Creel Limit
- 30 Fish Daily Creel Limit
- 30 Creel/4 Fish 15" or Longer Daily (32)
- Ohio River-Smithland Pool Tributary Streams (in Pope/Hardin/Gallatin Counties, excluding Wabash River and Saline River Above Route 1 Bridge) (19)
Multiple Counties
Large and Smallmouth Bass
- 12" Minimum Length Limit
- Otter Lake, Otter Lake Water Commission
Macoupin County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Bass (14)
 Striped, White, or Hybrid
 Striped Bass
 Striped, White, or Hybrid
 Striped Bass (16)
 Pure Muskellunge
- 3 Fish Daily Creel Limit
 - 17" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 48" Minimum Length Limit (40)

Palmyra-Modesto Water Commission Lake, Palmyra/Modesto Water Commission

Macoupin County

- All Fish
Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth
 Bass (14)
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit

Palmyra-City Lake-6 Perry-Park-Pond-City of Palmyra

Macoupin County

- All Fish
Channel Catfish
- 2-Pole-and-Line-Fishing-Only--(1)
 --6-Fish-Daily-Creel-Limit

Pana Lake, City of Pana

Shelby and Christian Counties

- All Fish
 Channel Catfish
 Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit

Paris East & West Lakes, City of Paris

Edgar County

- All Fish
 Channel Catfish
 Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit

Peabody River King, Pit #3 Lakes and Ponds, River King State Conservation Area

St. Clair County

- All Fish
 Channel Catfish
 Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
 White, Black, or Hybrid
 Crappie (15)
 White, Black, or Hybrid Crappie
- 2 Pole and Line Fishing Only (1)
 (34)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit
 - 25 Fish Daily Creel Limit
 - 9" Minimum Length Limit

Pekin Lake (19)

Tazewell County

Perry Farm Pond, Bourbonnais Park District

Kankakee County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- All Fish
 Channel Catfish
- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Piassa (19)

Madison/Jersey Counties

Pierce Lake, Rock Cut State Park

Winnebago County

- All Fish
- Bluegill-or-Redear-Sunfish--(14)
 Channel Catfish
 Large or Smallmouth Bass (14)
 Large or Smallmouth Bass
 Pure Muskellunge
Walleye-Sauger--or-Hybrid
Whiteye
 White, Black, or Hybrid
 Crappie (15)
- 2 Pole and Line Fishing Only (1)(7)
 --5-Fish-Daily-Creel-Limit
 - 6 Fish Daily Creel Limit
 - 1 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 48" Minimum Length Limit (40)
 --14"-Minimum-Length-Limit
 - 25 Fish Daily Creel Limit

Pike County Conservation Area (19)

Pike County

Pickneyville Lake, City of Pickneyville

Perry County

- Large or Smallmouth Bass
 Large or Smallmouth Bass (14)
- 18" Minimum Length Limit
 - 1 Fish Daily Creel Limit

Pine Creek

Ogle County

Trout

- Spring Closed Season (11)

Pine Creek (within the boundaries of White Pines Forest State Park)

Ogle County

All Fish

Trout

- 2 Pole and Line Fishing Only (1)
 - Spring Closed Season (11)

Pine Lake, Village of University Park

Will County

All Fish

Channel Catfish

- 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit

Piscasaw Creek

McHenry County

Trout

Trout

- 9" Minimum Length Limit
 - Spring Closed Season (11)

Pittsfield City Lake, City of Pittsfield

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Pike County
All Fish
- 2 Pole and Line Fishing Only (1)(7)
- 14" Minimum Length Limit
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
Walleye-Sauger-or-Hybrid
Walleye
--14"-Minimum-Length-Limit

Pocahontas Park Pond, City of Pocahontas
Bond County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Powerton Lake, Powerton Lake Fish and Wildlife Area (39)
Tazewell County
(Shall be closed to boat traffic except for legal waterfowl hunters from October 1 to February 15, and closed to all unauthorized entry during the regular Canada goose and duck water-fowl season)
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Striped, White, or Hybrid
Striped Bass (16)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 1 Fish Daily Creel Limit
- 10 Creel/3 Fish 17" or Longer Daily (17)
- 3 Fish Daily Creel Limit
- 18" Minimum Length Limit

Prospect Pond, City of Moline
Rock Island County
Trout
- Fall Closed Season (10)

Pyramid State Park Lakes & Ponds, Pyramid State Park
Perry County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Ramsey Lake, Ramsey Lake State Park
Fayette County
All Fish
Bluegill or Redear Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 25 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Walleye-Sauger-or-Hybrid
Walleye
--14"-Minimum-Length-Limit
White, Black, or Hybrid
Crappie (15)
White, Black, or Hybrid
Crappie
- 10 Fish Daily Creel Limit
- 9" Minimum Length Limit

Ramsey Lake State Park Ponds, Ramsey Lake State Park
Fayette County
Large or Smallmouth Bass
- 14" Minimum Length Limit

Randolph County Lake, Randolph County Conservation Area
Randolph County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Trout
Walleye-Sauger-or-Hybrid
Walleye
--14"-Minimum-Length-Limit
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Fall Closed Season (10)

Red Hills Lake, Red Hills State Park
Lawrence County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Red's Landing Wildlife Management Area (19)
Calhoun County
(Walk-in area closed to trespassing 7 days prior to duck season)
Redwing Slough/Deer Lake (33)
Lake County

Rend Lake, U.S. Army Corps of Engineers (22) (33)
Franklin County
Large or Smallmouth Bass
Striped, White, Yellow, or Hybrid
Striped Bass (8)
- 14" Minimum Length Limit
- 10 Creel/3 Fish 17" or Longer Daily (17)

Rend Lake Project Pond, U.S. Army Corps of Engineers
Franklin County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Rice Lake Fish and Wildlife Area (33)
Fulton County

Ridge Lake, Fox Ridge State Park
Coles County

(Recreational Use Restrictions - Waterfowl Refuge or Hunting Area (19))
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 14" Minimum Length Limit
Large or Smallmouth Bass - 14" Minimum Length Limit
Walleye-Sauger-or-Hybrid
Walleye --14"-Minimum-Length-Limit

Riis Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Riprap Landing (19)
Calhoun County

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Riverside Park Lagoon, Moline Park District
Rock Island County
All Fish
Channel Catfish

- Spring Closed Season (11)

Rock Creek, State of Illinois
Kankakee County
Trout

Rock River Basin - Special Management Zone (Fordam Dam to Oregon Dam, including tributaries)
Ogle/Winnebago Counties

Large or Smallmouth Bass
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
Limit (no possession) (37)
- 1 Fish over 16" and 2 Fish under 12" Daily Creel Limit

Rock-River-Main-Stem-Only
Multiple-Counties

Walleye-Sauger-or-Hybrid
Walleye

--14"-Minimum-Length-Limit

Rock River Basin - Special Management Zone (from Oregon Dam to State Route 2 Highway Bridge at Grand Detour, including all tributaries)
Ogle County

Large or Smallmouth Bass
- Catch and Release Fishing Only (9)

Rock Springs Bike Trail Pond, Macon County Conservation District Macon County

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Macon County

All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Rock Springs Pond, Macon County Conservation District
Macon County

All Fish
Channel Catfish
Large or Smallmouth Bass
Bass (14)
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Spring Closed Season (11)

Roodhouse Park Lake, City of Roodhouse
Green County

All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Route 154 Day Use Pond, State of Illinois
Randolph County

All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

St. Elmo South Lake, City of St. Elmo
Fayette County

All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Salem Reservoir, City of Salem
Marion County

All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)(5)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Sam Dale Lake, Sam Dale Conservation Area
Wayne County

All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye-Sauger
and-Hybrid-Walleye
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
--14"-Minimum-Length-Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Sam Dale Trout Pond, Sam Dale Conservation Area

Wayne County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Trout - Fall Closed Season (10)
 Trout - Spring Closed Season (11)

Sam Parr Lake, Sam Parr State Park

Jasper County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Sand Lake, Illinois Beach State Park
 Lake County

Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
 Trout - Fall Closed Season (10)
 Trout - Spring Closed Season (11)

Sandy Creek Basin - Special Management Zone (river mainstem and tributaries)

Marshall County
 Large or Smallmouth Bass - Catch and Release Only Season -
 No Harvest May 1 through
 June 15 (9)

Sanganois Conservation Area (33)

Mason/Cass/Schuyler/Menard Counties

Sangchris Lake, Sangchris Lake State Park

Christian/Sangamon Counties
 (Posted waterfowl refuge closed to all boat traffic during waterfowl season.
 Bank fishing along the dam shall be permitted. Fishing shall be prohibited in
 the east and west arms of the lake during the period from 10 days prior to the
 duck season through the end of the duck season. Fishing shall be prohibited
 in the west arm of the lake and the east arm of the lake south of the power
 lines during that portion of the Canada goose season that follows the duck
 season)

All Fish - 2 Pole and Line Fishing Only (1)
 (34)

~~Large or Smallmouth Bass (14)~~
~~--2-Fish-<15"-6/or-1-Fish->or-15"~~
~~Bass-(25)~~

Large or Smallmouth Bass
Large or Smallmouth
Bass (14)

White, Black, or Hybrid
 Crappie (15)

- 3 Fish Daily Creel Limit
 - 25 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

White, Black, or Hybrid
 Crappie

- 9" Minimum Length Limit

Sangchris Lake Park Ponds, Sangchris Lake State Park

Sangamon County
 All Fish - 2 Pole and Line Fishing Only (1)

Schiller Pond, Cook County Forest Preserve District

Cook County
 All Fish - 2 Pole and Line Fishing Only (1)
 (36)
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit

Schuy-Rush Lake, City of Rushville

Schuyler County
~~Walleye-Sauger-or-Hybrid~~
~~Walleye~~
 White, Black, or Hybrid
 Crappie
 --14"-Minimum-Length-Limit
 - 9" Minimum Length Limit

Senior Citizen's Pond, Kankakee River State Park

Kankakee County
 All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit

Shabbona Lake, Shabbona Lake State Park

Dekalb County
 All Fish - 2 Pole and Line Fishing Only (1)
 Bluegill or Redear Sunfish (14) - 10 Fish Daily Creel Limit
 Channel Catfish - 6 Fish Daily Creel Limit
 Large or Smallmouth Bass (14) - 1 Fish Daily Creel Limit
 Large or Smallmouth Bass - 14" Minimum Length Limit
 Pure Muskellunge - 48" Minimum Length Limit (40)

Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass

Walleye, Sauger, or Hybrid
 Walleye
 White, Black, or Hybrid

Crappie (15)
 - 18" 14" Minimum Length Limit
 - 10 Fish Daily Creel Limit

Shawnee National Forest Lakes & Ponds less than 10 acres, U.S. Forest Service
 Multiple Counties

All Fish - 2 Pole and Line Fishing Only (1)
 Channel Catfish - 6 Fish Daily Creel Limit
 Largemouth, Smallmouth or

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Spotted Bass - 15" Minimum Length Limit

Shawnee National Forest - Bay Creek Lake #5 and #8 (Sugar Creek Lake), U.S. Forest Service
Pope County
All Fish
Channel Catfish - 2 Pole and Line Fishing Only (1)
Largemouth, Smallmouth and - 6 Fish Daily Creel Limit
Spotted Bass - 15" Minimum Length Limit

Shawnee National Forest - Dutchman Lake, U.S. Forest Service
Johnson County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or - 15" Minimum Length Limit
Spotted Bass

Shawnee National Forest - Lake Glendale, U.S. Forest Service
Pope County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or - 15" Minimum Length Limit
Spotted Bass

Shawnee National Forest - Little Cache #1, U.S. Forest Service
Johnson County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or - 15" Minimum Length Limit
Spotted Bass

Shawnee National Forest - One Horse Gap Lake, U.S. Forest Service
Pope County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or - 15" Minimum Length Limit
Spotted Bass

Shawnee National Forest - Pounds Hollow Lake, U.S. Forest Service
Gallatin County
All Fish - 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or - 15" Minimum Length Limit
Spotted Bass

Shawnee National Forest - Tecumseh Lake, U.S. Forest Service
Hardin County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or - 15" Minimum Length Limit
Spotted Bass

Shawnee National Forest - Turkey Bayou, U.S. Forest Service
Jackson County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or - 15" Minimum Length Limit
Spotted Bass

Shawnee National Forest - Whoopie Cat Lake, U.S. Forest Service
Hardin County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Largemouth, Smallmouth or - 15" Minimum Length Limit
Spotted Bass

Sherman Park Lagoon, Chicago Park District
Cook County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit

Siloam Springs Lake, Siloam Springs State Park
Adams County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Large or Smallmouth Bass - 12-15" Slot Length Limit (3)
Trout - Fall Closed Season (10)
Trout - Spring Closed Season (11)

Silver Lake, DuPage County Forest Preserve District
DuPage County
All Fish - 2 Pole and Line Fishing Only (1)
Channel Catfish - 6 Fish Daily Creel Limit
Larger or Smallmouth Bass - 14" Minimum Length Limit
Large or Smallmouth Bass (14)
Trout - 3 Fish Daily Creel Limit
Trout - Spring Closed Season (11)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Silver Lake-(Highland)-City-of-HighlandMadison CountyWalleye-Sauger-or-HybridWalleye--14"-Minimum-Length-LimitSilver Springs S.P. (Big Lake) & Ponds, Silver Springs State ParkKendall CountyAll FishChannel CatfishLarge or Smallmouth BassTroutTrout- 2 Pole and Line Fishing Only (1)- 6 Fish Daily Creel Limit- 15" Minimum Length Limit- Fall Closed Season (10)- Spring Closed Season (11)Site M, All Lakes and Ponds, Ponds-#17-#27-#37-and-#4 Site M Conservation AreaCass CountyAll FishBluegill or RedearSunfish (14)Channel CatfishLarge or Smallmouth BassLarge or SmallmouthBass (14)- 2 Pole and Line Fishing Only (1)- 10 Fish Daily Creel Limit- 6 Fish Daily Creel Limit- 15" Minimum Length Limit- 3 Fish Daily Creel LimitSite M, Highway II Pond, Site M Conservation AreaCass CountyAll FishBluegill or RedearSunfish (14)Channel CatfishLarge or Smallmouth BassLarge or SmallmouthBass (14)- 3 Fish Daily Creel Limit- Spring Closed Season (11)Skokie Lagoons, Cook County Forest Preserve DistrictCook CountyAll FishLarge or Smallmouth BassWalleye- 2 Pole and Line Fishing Only (1)(36)- 14" Minimum Length Limit- 18" Minimum Length LimitSmall Pit Pond, Boone County Conservation DistrictBoone CountyAll FishChannel CatfishLarge or Smallmouth BassLarge or SmallmouthBass (14)- 2 Pole and Line Fishing Only (1)- 6 Fish Daily Creel Limit- 14" Minimum Length Limit- 1 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Snake Den Hollow Lakes, Snake Den Hollow State Fish and Wildlife AreaKnox County(All use other than waterfowl hunting prohibited from October 1 through theend of the Canada goose season)All FishBluegill or Redear Sunfish (14)Channel CatfishLarge or Smallmouth BassLarge or Smallmouth Bass (14)Pure MuskellungeWalleye, Sauger, or HybridWalleye (14)Walleye-Sauger-or-HybridWalleyeWhite, Black, or HybridCrappie (15)- 2 Pole and Line Fishing Only (1)- 10 Fish Daily Creel Limit- 6 Fish Daily Creel Limit- 15" Minimum Length Limit- 3 Fish Daily Creel Limit- 36" Minimum Length Limit- 3 Fish Daily Creel Limit--14"-Minimum-Length-Limit- 5 Fish Daily Creel LimitSparta City Lakes, City of SpartaRandolph CountyAll FishChannel CatfishLarge or Smallmouth Bass- 2 Pole and Line Fishing Only (1)- 6 Fish Daily Creel Limit- 15" Minimum Length LimitSparta "T" Lake, City of SpartaRandolph CountyAll FishChannel CatfishLarge or Smallmouth BassLarge or SmallmouthBass (14)White, Black, or HybridCrappieWhite, Black, or HybridCrappie (15)- 2 Pole and Line Fishing Only (1)- 6 Fish Daily Creel Limit- 15" Minimum Length Limit- 3 Fish Daily Creel Limit- 9" Minimum Length Limit- 10 Fish Daily Creel LimitSpencer Lake, Boone County Conservation DistrictBoone CountyAll FishChannel CatfishLarge or Smallmouth BassLarge or SmallmouthBass (14)- 2 Pole and Line Fishing Only (1)- 6 Fish Daily Creel Limit- 14" Minimum Length Limit- 1 Fish Daily Creel LimitSpring Lake, City of MacombMcDonough CountyAll FishChannel Catfish- 2 Pole and Line FishingOnly (1) (5)- 6 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Large or Smallmouth Bass - 15" Minimum Length Limit
 Large or Smallmouth Bass (14) - 3 Fish Daily Creel Limit
 Striped, White, or Hybrid - 17" Minimum Length Limit
 Striped Bass
 Striped, White, or Hybrid
 Striped Bass (16) - 3 Fish Daily Creel Limit

Spring Lake, Plagg-Rochelle-Park-District

Ogle County
Barge-or-Smallmouth-Bass
Barge-or-Smallmouth
Bass-(14)
 --14"-Minimum-Length-Limit
 --3-Fish-Daily-Creel-Limit

Spring Lakes (North & South), Spring Lake Conservation Area (33)

Tazewell County
All Fish
Channel Catfish
 - 2 Pole and Line Fishing Only (1)(7)
 - 6 Fish Daily Creel Limit
Large or Smallmouth Bass (14)
 - 12-15" Slot Length Limit (3)
Large or Smallmouth
Bass (14)
 - 3 Fish Daily Creel Limit
 - 48" Minimum Length Limit (40)
 White, Black, or Hybrid
 Crappie (15)
 White, Black, or Hybrid
 Crappie
 - 25 Fish Daily Creel Limit
 - 9" Minimum Length Limit

Spring Pond, Plagg-Rochelle Park District

Ogle County
All Fish
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
 - 2 Pole and Line Fishing Only (1)
 - 14" Minimum Length Limit
 - 1 Fish Daily Creel Limit

Starved Rock State Park (19)

LaSalle County
Staunton City Lake, City of Staunton
Macoupin County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 3 Fish Daily Creel Limit

Stephen A. Forbes State Park (19)
Marion County

Sterling Lake, Lake County Forest Preserve District

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Lake County
All Fish
Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass
Pure Muskellunge
Walleye-Sauger-or-Hybrid
Walleye
 - 2 Pole & Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 1 Fish Daily Creel Limit
 - 15" Minimum Length Limit
 - 36" Minimum Length Limit
 --14"-Minimum-Length-Limit

Storm Lake, DeKalb Park District
DeKalb County

All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
 - 2 Pole and Line Fishing (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 1 Fish Daily Creel Limit

Stump Lake Wildlife Management Area (33)

Jersey County

Tampier Lake, Cook County Forest Preserve District

Cook County
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye, Sauger, or Hybrid
Walleye
 - 2 Pole and Line Fishing Only (36)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit
 - 18" Minimum Length Limit

Taylorville Park District Pond, Taylorville Park District

Christian County
All Fish
 - 2 Pole and Line Fishing Only (1)

Ten Mile Creek Lakes, Ten Mile Creek State Fish and Wildlife Area

Hamilton/Jefferson Counties (19)
 (Areas designated as refuge are closed to all access during the Canada goose season)
All Fish
Channel Catfish
Large or Smallmouth Bass
 - 2 Pole and Line Fishing Only (1)
 - 6 Fish Daily Creel Limit
 - 14" Minimum Length Limit

Terry-Park-Pond-Village-of-Palmira

Macoupin County
Barge-or-Smallmouth-Bass
Barge-or-Smallmouth
Bass-(14)
 --15"-Minimum-Length-Limit
 --3-Fish-Daily-Creel-Limit

Tilton City Lake, City of Tilton

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Toledo Reservoir, City of ToledoCumberland County

All Fish
Channel Catfish

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit

Vermilion County

Large or Smallmouth Bass
Large or Smallmouth
Bass (14)

- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Tomahawk Lake, Moraine Hills State ParkMcHenry County

All Fish

Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit

Turkey Bluff Ponds, State of IllinoisRandolph County

All Fish

Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Turner Lake, Chain O'Lakes State ParkLake County

All Fish

Channel Catfish
Large or Smallmouth Bass (14)
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 1 Fish Daily Creel Limit
- 15" Minimum Length Limit

Tuscola City Lake, City of TuscolaDouglas County

All Fish

Channel Catfish
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Union County Conservation AreaUnion County

(All fishing and boat traffic prohibited October 15-March 1)

Valley Lake, Wildwood Park DistrictLake County

All Fish

Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Valmeyer Lake, City of ValmeyerMonroe County

All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Vanhorn Woods Pond, Plainfield Park DistrictWill County

All Fish

Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass
(14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit

Vernor Lake, City of OlneyRichland County

All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass
(14)

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Villa Grove East Lake, City of Villa GroveDouglas County

All Fish

Channel Catfish
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Villa Grove West Lake, City of Villa GroveDouglas County

All Fish

Channel Catfish
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit

Virginia City Reservoir, City of VirginiaCass County

All Fish

Channel Catfish
Large or Smallmouth Bass
Trout

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- Fall Closed Season (10)

Waddams CreekStephenson County

All Fish

Channel Catfish
Large or Smallmouth Bass

- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit

Walnut Point Lake, Walnut Point State Fish and Wildlife AreaDouglas County

All Fish

- Spring Closed Season (11)

- 2 Pole and Line Fishing Only (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Channel Catfish
Large or Smallmouth Bass
- 6 Fish Daily Creel Limit
- 12-15" Slot Length Limit (3)
- Walton Park Lake, City of Litchfield
Montgomery County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Warrior Lake, Moraine Hills State Park
McHenry County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Washington County Lake, Washington County Conservation Area
Washington County
All Fish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Channel Catfish
Large or Smallmouth Bass
Striped, White, or Hybrid
Striped Bass
Striped, White, or Hybrid
Striped Bass (16)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 17" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Washington Park Lagoon, Chicago Park District
Cook County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Washington Park Pond, Springfield Park District
Sangamon County
All Fish
Channel Catfish
Trout
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Fall Closed Season (10)
- Spring Closed Season (11)
- Waverly Lake, City of Waverly
Morgan County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- Weinberg-King Pond, Weinberg-King State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Schuyler County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- Weldon Springs Lake, Weldon Springs State Park
Dewitt County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit
- West Frankfort New City Lake, City of West Frankfort
Franklin County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- West Frankfort Old City Lake, City of West Frankfort
Franklin County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- West Salem Reservoir, City of West Salem
Edwards County
All Fish
Channel Catfish
Large or Smallmouth Bass
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- White Hall City Lake, City of White Hall
Greene County
All Fish
Channel Catfish
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- White Oaks Lake, City of Bloomington
McLean County
All Fish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Wilderness Lake, Moraine Hills State Park
McHenry County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 3 Fish Daily Creel Limit
- Wilderness Pond, Fox Ridge State Park

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- Coles County
(Recreational Use Restrictions - Waterfowl Refuge or Hunting Area (19))
All Fish
- 2 Pole and Line Fishing Only (1)
Bluegill or Redear
Sunfish (14)
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
- 5 Fish Daily Creel Limit
- 6 Fish Daily Creel Limit
- 18" Minimum Length Limit
- 1 Fish Daily Creel Limit
- William W. Powers Conservation Area (33)
Cook County
Wolf Lake, William W. Powers Conservation Area (33)
Cook County
All Fish
Channel Catfish
Large or Smallmouth Bass
Walleye-Sauger-or-Hybrid
Walleye
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 14" Minimum Length Limit
- 14" Minimum Length Limit
- Woodford Co. Cons. Area (Fishing Ditch), Woodford County (33)
Conservation Area
Woodford County
All Fish
- 2 Pole and Line Fishing Only (1)
- Woodlawn Pond, Frankfort Square Park District
Will County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Wyman Lake, City of Sullivan
Moultrie County
All Fish
Channel Catfish
Large or Smallmouth Bass
Large or Smallmouth
Bass (14)
Trout
- 2 Pole and Line Fishing Only (1)
- 6 Fish Daily Creel Limit
- 15" Minimum Length Limit
- 1 Fish Daily Creel Limit
- Spring Closed Season (11)
- Spring Closed Season (11)
- Yellow Creek
Stephenson County
Trout
- Spring Closed Season (11)
- (Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Section 810.50 Bait Fishing

a) Statewide regulations.

1) Legal sized cast nets, shad scoops, and minnow seines may be used to obtain shad, minnows and crayfish to use as bait, provided that they are not sold or bartered. All cast nets shall be not larger than 8 feet in diameter or of a mesh size not larger than 3/8 inch bar measurement. All shad scoops shall be not larger than 30 inches in diameter or of a mesh size not larger than 1/2 inch bar measurement or longer than 4 feet in length. Minnow seines shall not be longer than 20 feet, deeper than 6 feet or contain mesh size larger than 1/2 inch bar measurement.

2) Minnows and crayfish may be collected with traps of metal screen or hardware cloth, plastic, or nylon mesh or netting. Such traps may not be more than 24 inches in width or diameter or more than 36 inches in length nor use a mesh of more than 1/2 inch bar measurement. If unattended, such devices must be tagged with the name and mailing address of the person operating the device. Minnows and crayfish collected in such devices may only be taken for personal use and may not be sold or bartered.

3) Persons possessing a valid sport fishing license or combination hunting and fishing license may not take mussel.

4) Aquatic life protected under 17 Ill. Adm. Code 1010 - Illinois List of Endangered and Threatened Fauna may not be taken for any purpose including bait fishing.

5) The use of living river ruffe as bait is prohibited.

6) The use of living gobies (round, tubenose) as bait is prohibited.

7) The use of living rusty crayfish as bait is prohibited.

8) The use of living rudd as bait is prohibited.

b) Site specific regulations.

None.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 810.70 Free Fishing Days

During the period of June 5, 6, 7, and 8, 1998 77-87-and-97-1997, it shall be legal for any person to fish in waters wholly or in part within the jurisdiction of the State, including the Illinois portion of Lake Michigan, without possessing a sport fishing license, salmon stamp or inland trout stamp.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Section 810.90 Fishing Tournament Permit

a) A fishing tournament permit from the Department of Natural Resources is needed if:

- 1) Prizes are offered for tagged or marked fish and where any of the waters listed in Section 810.45 are named as a tournament site; or
- 2) The fishing event is conducted over a period of more than five (5) days during any calendar year, and prizes with a total value in excess of \$1,000 are offered, and where any of the waters listed in Section 810.45 are named as a tournament site; or
- 3) Special exemption to the site specific regulations for daily creel and size limit (not exceed the statewide statutory limits) is requested for:

- A) catch, hold for weigh-in, and release tournaments for muskies (all waters), or smallmouth bass (streams only - except that the Mississippi, Ohio and Wabash Rivers are not eligible for permits which exempt participants from site specific daily catch and size limits); and
- B) special fishing tournaments/events for children under 16, for disabled persons, or for adults over 65.

b) Requests for a permit shall be made on applications provided by the Department of Natural Resources, Division of Fisheries, at least 60 days prior to the first tournament date.

c) Issuance or denial of a permit shall be based upon the following criteria:

- 1) The capability of the fishery resource to absorb the tournament with minimal impact to its well-being.
- 2) The location of the tournament; catch and release management zones on streams are not eligible for permits.
- 3) The Mississippi, Wabash, and Ohio are not eligible for permits which exempt participants from daily catch and size limits for smallmouth bass.
- 4) The evaluation of the adverse impacts resulting from the additional fishing pressure generated by the tournament on the fish population and the targeted fish species. The evaluation must demonstrate minimal and short-term impacts in order for the Department of Natural Resources to issue the permit. Specific items to be considered include:
 - A) biological status of the fish population, including the species sought;
 - B) length of the tournament;
 - C) number of boats and anglers participating in the tournament;
 - D) for tagged fish tournaments, provisions for obtaining and tagging targeted fish species; and
 - E) safety of anglers and potential boater-user conflicts.
- 5) Demonstrates adequate provisions for holding, handling, and releasing caught fish. Specific criteria are:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

A) Tournament officials must be able to certify that all boats will be required to possess a livewell (except muskie fishing tournaments) measuring at least 18" long, 12" deep, and 12" wide and be fitted with a functioning aerator and water pump.

B) Following the weigh-in, fish must be released away from the weigh-in site and as near to the spot where the catch was made as possible by means of a common release boat or vehicle, or by individual boats.

C) If a common release boat or vehicle is utilized, the anglers transporting the fish to be released are exempt from the daily creel limit. A common release boat and holding tank used to transport fish for release shall be adequate to carry a tank constructed of a suitable material (aluminum or fiber glass) with smooth interior walls with no obstructions to trap or injure fish. The tank must be able to hold at least one gallon of water per pound of fish, provide adequate aeration, and maintain constant desirable temperature to sustain their well-being. The tank must have operating hatches to prevent fish from jumping out of the tank and allow quick opening and closing for introduction and removal of fish. Detailed specifications on the design and use of a fish holding tank are available upon request from the IDNR, Division of Fisheries. Individual boats and anglers returning their catches of fish back to a release site must adhere to daily creel limits. Tournament officials must be able to certify that a common release boat is being utilized for this tournament.

D) For catch, weigh-in, and release muskie tournaments, all boats must have a fish cradle (made from netting) to temporarily hold the muskie in the water while an official determines the length or weight of the fish prior to release. Muskies may not be transported to a weigh-in site.

6) Adequate identification of participants in fishing tournament for law enforcement purposes. Specific criteria include:

A) Tournament officials must keep and have available on site a written record or log of daily participants (including names and boat registration numbers) for inspection by Department of Natural Resources officials.

B) Each participant and boat must be identified in an easily recognizable manner at a distance (patch on the hat or back).

d) Failure to acquire a permit as referenced in subsection (a) above is a petty offense and will result in denial of future applications for a Fishing Tournament Permit by that applicant, sponsor or group for a period up to five (5) years.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Intermediate Care for the Developmentally Disabled Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 350
- 3) Section Numbers:
350.340 Amendments
350.2620 Amendments
350.3230 Repealer
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A. Complete Description of the Subjects and Issues Involved: The rules in Part 350 regulate the licensure of intermediate care facilities for the developmentally disabled under the Nursing Home Care Act.
- Section 350.340 is being amended to update incorporated and referenced materials. Codes and standards are updated to more recent editions; addresses are corrected and added; format is clarified to distinguish between incorporated and referenced materials; statutory citations are changed from Illinois Revised Statutes to Illinois Compiled Statutes; rules and statutes cited elsewhere in this Part are added.
- Section 350.2620 is being amended to incorporate, for new facilities, the 1997 edition of the National Fire Protection Association Life Safety Code. Other incorporated materials are updated and clarified, and the BOCA International Building Code (1996) is substituted for the Uniform Building Code (1982).
- Section 350.3230 is being repealed. The Department has adopted new requirements on the use of restraints (see 20 Ill. Reg. 12049), effective September 10, 1996.
- The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.
- The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.
- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No
- 7) Does this Rulemaking Contain an Automatic Repeal Date? No
- 8) Does this Rulemaking Contain Any Incorporations By Reference? Yes
- 9) Are there any other Proposed Amendments Pending on this Part? Yes

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section Numbers	Proposed Action	Ill. Reg. Citation
350.315	New Section	21 Ill. Reg. 6739
350.625	New Section	21 Ill. Reg. 1798
350.681	Amendments	21 Ill. Reg. 3475
350.683	Amendments	21 Ill. Reg. 3475
350.690	Amendments	21 Ill. Reg. 6739
350. Table F	Amendments	21 Ill. Reg. 6739

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Ms. Gail M. DeVito
Division of Legal Services
Illinois Department of
Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
Telephone: 217/782-2043
E-mail: rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Long-term care facilities
B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None
C) Types of Professional Skills Necessary for Compliance: Professional skills required for design and construction of a long-term care facility.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 350

INTERMEDIATE CARE FOR THE DEVELOPMENTALLY DISABLED FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
350.110	General Requirements
350.120	Application for License
350.130	Licensee
350.140	Issuance of an Initial License for a New Facility
350.150	Issuance of an Initial License Due to a Change of Ownership
350.160	Issuance of a Renewal License
350.165	Criteria for Adverse Licensure Actions
350.170	Denial of Initial License
350.175	Denial of Renewal of License
350.180	Revocation of License
350.190	Experimental Program Conflicting with Requirements
350.200	Inspections, Surveys, Evaluations and Consultation
350.210	Filing an Annual Attested Financial Statement
350.220	Information to Be Made Available to the Public By the Department
350.230	Information to Be Made Available to the Public By the Licensee
350.240	Municipal Licensing
350.250	Ownership Disclosure
350.260	Issuance of Conditional Licenses
350.270	Monitor and Receivership
350.271	Presentation of Findings
350.272	Determination to Issue a Notice of Violation or Administrative Warning
350.274	Determination of the Level of a Violation
350.276	Notice of Violation
350.277	Administrative Warning
350.278	Plans of Correction
350.280	Reports of Correction
350.282	Conditions for Assessment of Penalties
350.284	Calculation of Penalties
350.286	Determination to Assess Penalties
350.288	Reduction or Waiver of Penalties
350.290	Quarterly List of Violators
350.300	Alcoholism Treatment Programs In Long-Term Care Facilities
350.310	Department May Survey Facilities Formerly Licensed
350.320	Waivers
350.330	Definitions
350.340	Incorporated and Referenced Materials

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART B: ADMINISTRATION

Section
350.510 Administrator

SUBPART C: POLICIES

Section
350.610 Management Policies
350.620 Resident Care Policies
350.625 Determination of Need Screening
350.630 Admission and Discharge Policies
350.640 Contract Between Resident and Facility
350.650 Residents' Advisory Council
350.660 General Policies
350.670 Personnel Policies
350.675 Initial Health Evaluation for Employees
350.680 Developmental Disabilities Aides
350.681 Health Care Worker Background Check
350.683 Registry of Developmental Disabilities Aides
350.685 Student Interns
350.690 Disaster Preparedness
350.700 Serious Incidents and Accidents

SUBPART D: PERSONNEL

Section
350.810 Personnel
350.820 Consultation Services
350.830 Personnel Policies

SUBPART E: RESIDENT LIVING SERVICES

Section
350.1010 Service Programs
350.1020 Psychological Services
350.1030 Social Services
350.1040 Speech Pathology and Audiology Services
350.1050 Recreational and Activities Services
350.1060 Training and Habilitation Services
350.1070 Training and Habilitation Staff
350.1080 Restraints
350.1082 Nonemergency Use of Physical Restraints
350.1084 Emergency Use of Physical Restraints
350.1086 Unnecessary, Psychotropic and Antipsychotic Drugs

SUBPART F: HEALTH SERVICES

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section
350.1210 Health Services
350.1220 Physician Services
350.1225 Tuberculin Skin Test Procedures
350.1230 Nursing Services
350.1235 Life-Sustaining Treatments
350.1240 Dental Services
350.1250 Physical and Occupational Therapy Services

SUBPART G: MEDICATIONS

Section
350.1410 Medication Policies and Procedures
350.1420 Conformance with Physician's Orders
350.1430 Administration of Medication
350.1440 Labeling and Storage
350.1450 Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

Section
350.1610 Resident Record Requirements
350.1620 Content of Medical Records
350.1630 Confidentiality of Resident's Records
350.1640 Records Pertaining to Residents' Property
350.1650 Retention and Transfer of Resident Records
350.1660 Other Resident Record Requirements
350.1670 Staff Responsibility for Medical Records
350.1680 Retention of Facility Records
350.1690 Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section
350.1810 Director of Food Services
350.1820 Dietary Staff in Addition to Director of Food Services
350.1830 Hygiene of Dietary Staff
350.1840 Diet Orders
350.1850 Adequacy of Diet and Meal Pattern
350.1860 Therapeutic Diets
350.1870 Scheduling Meals
350.1880 Menu Planning
350.1890 Food Preparation and Service
350.1900 Food Handling Sanitation
350.1910 Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section

350.2010 Maintenance
350.2020 Housekeeping
350.2030 Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section

350.2210 Furnishings
350.2220 Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section

350.2410 Codes
350.2420 Water Supply
350.2430 Sewage Disposal
350.2440 Plumbing

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE
CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

350.2610 Applicability of These Standards
350.2620 Codes and Standards
350.2630 Preparation of Drawings and Specifications
350.2640 Site
350.2650 Administration and Public Areas
350.2660 Nursing Unit
350.2670 Dining, Living, Activities Rooms
350.2680 Therapy and Personal Care
350.2690 Service Departments
350.2700 General Building Requirements
350.2710 Structural
350.2720 Mechanical Systems
350.2730 Plumbing Systems
350.2740 Electrical Systems

SUBPART N: CONSTRUCTION STANDARDS FOR EXISTING INTERMEDIATE
CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section

350.2910 Applicability
350.2920 Codes and Standards
350.2930 Preparation of Drawings and Specifications
350.2940 Site
350.2950 Administration and Public Areas
350.2960 Nursing Unit

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

350.2970 Living, Dining, Activities Rooms
350.2980 Treatment and Personal Care
350.2990 Service Departments
350.3000 General Building Requirements
350.3010 Structural
350.3020 Mechanical Systems
350.3030 Plumbing Systems
350.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section

350.3210 General
350.3220 Medical and Personal Care Program
350.3230 Restraints (Repealed)
350.3240 Abuse and Neglect
350.3250 Communication and Visitation
350.3260 Resident's Funds
350.3270 Residents' Advisory Council
350.3280 Contract With Facility
350.3290 Private Right of Action
350.3300 Transfer or Discharge
350.3310 Complaint Procedures
350.3320 Confidentiality
350.3330 Facility Implementation

SUBPART P: SPECIAL STANDARDS FOR INTERMEDIATE CARE FACILITIES
FOR THE DEVELOPMENTALLY DISABLED OF 16 BEDS OR LESS

Section

350.3710 Applicability of Other Provisions of this Part
350.3720 Administration
350.3730 Admission and Discharge Policies
350.3740 Personnel
350.3750 Consultation Services and Nursing Services
350.3760 Medication Policies
350.3770 Food Services
350.3780 Codes and Standards
350.3790 Administration and Public Areas
350.3800 Bedrooms
350.3810 Nurses Station
350.3820 Bath and Toilet Rooms
350.3830 Utility Rooms
350.3840 Living, Dining, Activity Rooms
350.3850 Therapy and Personal Care
350.3860 Kitchen
350.3870 Laundry Room
350.3880 General Building Requirements

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

350.3890 Corridors
 350.3900 Special Care Room
 350.3910 Exit Facilities and Subdivision of Floor Areas
 350.3920 Stairways, Vertical Openings and Doorways
 350.3930 Hazardous Areas and Combustible Storage
 350.3940 Mechanical Systems
 350.3950 Heating, Cooling, and Ventilating Systems
 350.3960 Plumbing Systems
 350.3970 Electrical Systems
 350.3980 Fire Alarm and Detection System
 350.3990 Emergency Electrical System
 350.4000 Fire Protection
 350.4010 Construction Types
 350.4020 Equivalencies
 350.4030 New Construction Requirements

SUBPART Q: DAY CARE PROGRAMS

Section
 350.4210 Day Care in Long-Term Care Facilities

APPENDIX A Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)
 APPENDIX B Federal Requirements Regarding Residents' Rights
 APPENDIX C Seismic Zone Map
 APPENDIX D Forms for Day Care in Long-Term Care Facilities
 APPENDIX E Guidelines for the Use of Various Drugs
 TABLE A Sound Transmission Limitations in New Intermediate Care Facilities for the Developmentally Disabled
 TABLE B Pressure Relationships and Ventilation Rate of Certain Areas for the New Intermediate Care Facilities for the Developmentally Disabled
 TABLE C Construction Types and Sprinkler Requirements for Existing Intermediate Care Facilities for the Developmentally Disabled
 TABLE D Food Service Sanitation Rules and Regulations, 77 Ill. Adm. Code 750, 1983 Applicable for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
 TABLE E Construction Types and Sprinkler Requirements for New Intermediate Care Facilities for the Developmentally Disabled of Sixteen (16) Beds or Less
 TABLE F Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 495, effective March 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 30, p. 1, effective

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

July 28, 1980; amended at 5 Ill. Reg. 1657, effective February 4, 1981; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6453, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14544, effective November 8, 1982; amended at 6 Ill. Reg. 14675, effective November 15, 1982; amended at 6 Ill. Reg. 15556, effective December 15, 1982; amended at 7 Ill. Reg. 278, effective December 22, 1982; amended at 7 Ill. Reg. 1919 and 1945, effective January 28, 1983; amended at 7 Ill. Reg. 7963, effective July 1, 1983; amended at 7 Ill. Reg. 15817, effective November 15, 1983; amended at 7 Ill. Reg. 16984, effective December 14, 1983; amended at 8 Ill. Reg. 15574 and 15578 and 15581, effective August 15, 1984; amended at 8 Ill. Reg. 15935, effective August 17, 1984; amended at 8 Ill. Reg. 16980, effective September 5, 1984; codified at 8 Ill. Reg. 19806; amended at 8 Ill. Reg. 24214, effective November 29, 1984; amended at 8 Ill. Reg. 24680, effective December 7, 1984; amended at 9 Ill. Reg. 142, effective December 26, 1984; amended at 9 Ill. Reg. 331, effective December 28, 1984; amended at 9 Ill. Reg. 2964, effective February 25, 1985; amended at 9 Ill. Reg. 10876, effective July 1, 1985; amended at 11 Ill. Reg. 14795, effective October 1, 1987; amended at 11 Ill. Reg. 16830, effective October 1, 1987; amended at 12 Ill. Reg. 979, effective December 24, 1987; amended at 12 Ill. Reg. 16838, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18705, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6040, effective April 17, 1989; amended at 13 Ill. Reg. 19451, effective December 1, 1989; amended at 14 Ill. Reg. 14876, effective October 1, 1990; amended at 15 Ill. Reg. 466, effective January 1, 1991; amended at 16 Ill. Reg. 594, effective January 1, 1992; amended at 16 Ill. Reg. 13910, effective September 1, 1992; amended at 17 Ill. Reg. 2351, effective February 10, 1993; emergency amendment at 17 Ill. Reg. 2373, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7948, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; emergency amendment at 17 Ill. Reg. 9105, effective June 7, 1993, for a maximum of 150 days; emergency expired on November 4, 1993; amended at 17 Ill. Reg. 15056, effective September 3, 1993; amended at 17 Ill. Reg. 16158, effective January 1, 1994; amended at 17 Ill. Reg. 19210, effective October 26, 1993; amended at 17 Ill. Reg. 19517, effective November 4, 1993; amended at 17 Ill. Reg. 21017, effective November 20, 1993; amended at 18 Ill. Reg. 1432, effective January 14, 1994; amended at 18 Ill. Reg. 15789, effective October 15, 1994; amended at 19 Ill. Reg. 11481, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 512, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10065, effective July 15, 1996; amended at 20 Ill. Reg. 12049, effective September 10, 1996; amended at 21 Ill. Reg. 14990, effective November 15, 1997; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 350.340 Incorporated and Referenced Materials

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

a) The following regulations, and standards, and standards, and standards are incorporated or referenced in this Part:

- A) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1980), which may be obtained from the American Dietetic Association, 430 North Michigan Avenue, Chicago, Illinois 60611.
- B) American National Standards Institute, Standard A17.1-84, Safety Code for Elevators and Escalators, (1985), which may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 325 East 47th Street, New York, New York 10017.
- i) Standard No. A17.1-RL971, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped; and
- ii) Standard No. A17.1-1995, Safety Code for Elevators and Escalators.
- C) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals, (1997), which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791, Tullie Circle, N.E., Atlanta, Georgia 30329.
- D) The following standards of the American Society for Testing and Materials (ASTM): i) Standard No. B-84-1977A, Method of Test for Surface Burning Characteristics of Building Materials; ii) Standard No. E90-1975: Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions, which may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.
- E) BOCA International Building Code (1996), which may be obtained from Building Officials and Code Administrators International, Inc., 4051 Flossmoor Road, Country Club Hills, Illinois 60478-5795 International Conference Building Officials Uniform Building Code (1976 and 1982).
- F) National Fire Protection Association (NFPA), Standard No. 101: Life Safety Code, Chapter 33 (1997), Appendix B (1987), and the following standards, which may be obtained from National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269.
- i) No. 10 (1978), Standards for Portable Extinguishers
- ii) No. 13 (1980), Standards for the Installation of Sprinkler Systems
- iii) No. 56 (1977), Standards for Non-Flammable Medical Gas Systems
- iv) No. 76 (1981), National Electric Code

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- v) No. 90A (1978), Standards for the Installation of Air Conditioning and Ventilating Systems
- vi) No. 96 (1980), Standard for the Installation of Equipment for the Removal of Smoke and Grease-Baden Vapors from Commercial Cooking Equipment
- vii) No. 220 (1979), Standards, Types of Building Construction
- viii) No. 253 (1978), Flooring-Radiant-Heat-Energy-Test
- ix) No. 255 (1972), Test of Surface Burning Characteristics of Building Materials
- 6) Compressed Gas Association, Pamphlet P-2, Standard for Medical-Surgical-Vacuum-Systems-in-Hospitals (1976)
- G) Underwriters' Laboratories Laboratory, Inc. (UL), which may be obtained from Underwriters Laboratories, Inc., 333 Pfingsten Rd., Northbrook, Illinois 60062:
- i) Fire Resistive Resistance Index (all editions), and
- ii) Building Material Directory (all editions) and Standard No. 101 (1974), Factory-Made-Air-Duct Materials and Air-Duct Connectors.
- H) American Medical Record Association, Requirements for Medical Record Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.
- I) National Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive, Room 350, Arlington Heights, Illinois 60004.
- J) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia 22302.
- 2) Federal statutes and regulations:
- A) 21 CFR 1306.11 (Requirement of Prescriptions), April 1, 1997, and
- B) 21 CFR 1306.21 (Refilling of Prescriptions), April 1, 1997.
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:
- 1) Federal statutes:
- A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)
- B) Social Security Act (42 U.S.C.A. 301 et seq., 1995 et seq. and 1996 et seq.)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

2)3) State of Illinois Statutes:

- A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305] ~~1987--ch--111--1/27--par--695i-1-et-seq-~~
- B) Boiler and Pressure Vessel Safety Act [430 ILCS 75] ~~1987--ch--111--1/27--par--320i-et-seq-~~
- C) Child Care Act of 1969 [225 ILCS 10] ~~1987--ch--237--par--221i-et-seq-~~
- D) Court of Claims Act [705 ILCS 505] ~~1987--ch--377--par--439i-et-seq-~~
- E) The Illinois Dental Practice Act [225 ILCS 25] ~~1987--ch--111--1/27--par--230i-et-seq-~~
- F) The Election Code [10 ILCS 5] ~~1987--ch--111--1/27--par--1i-et-seq-~~
- G) Freedom of Information Act [5 ILCS 140] ~~1987--ch--111--1/27--par--20i-et-seq-~~
- H) General Not For Profit Corporation Act of 1986 [805 ILCS 105] ~~1987--ch--111--1/27--par--10i-et-seq-~~
- I) Illinois Health Facilities Planning Act [20 ILCS 3906] ~~1987--ch--111--1/27--par--115i-et-seq-~~
- J) Hospital Licensing Act [210 ILCS 85] ~~1987--ch--111--1/27--par--142-et-seq-~~
- K) Article X--Division 37 Illinois Municipal Code [65 ILCS 5] ~~1987--ch--111--1/27--par--1-3i-et-seq-~~
- L) Illinois Controlled Substances Act [720 ILCS 570] ~~1987--ch--56-1/27--par--110-et-seq-~~
- M) Life Care Facilities Act [210 ILCS 40] ~~1987--ch--111--1/27--par--4160-i-et-seq-~~
- N) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10] ~~1987--ch--857--par--1-10i-et-seq-~~
- O) Medical Practice Act of 1987 [225 ILCS 60] ~~1987--ch--111--1/27--par--4400-i-et-seq-~~
- P) Mental Health and Developmental Disabilities Code [405 ILCS 5] ~~1987--ch--91-1/27--par--1-i00-et-seq-~~
- Q) The Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1987, ch. 111, par. 3501 et seq.)
- R) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70] ~~1987--ch--111--1/27--par--365i-et-seq-~~
- S) Nursing Home Care Act [210 ILCS 45] ~~1987--ch--111--1/27--par--1-i01-et-seq--as-amended-by-Public-Act-85-968-effective-December-9--1987--Public-Act--85-1183-effective-August-13-1988--and-Public-Act-85-1379-effective-September-17-1988~~
- T) Illinois Occupational Therapy Practice Act [225 ILCS 75] ~~1987--ch--111--1/27--par--370i-et-seq-~~
- U) Pharmacy Practice Act of 1987 [225 ILCS 85] ~~1987--ch--111--1/27--par--370i-et-seq-~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- V) Illinois Physical Therapy Act of 1985 [225 ILCS 90] ~~1987--ch--111--1/27--par--421i-et-seq-~~
- W) Private Sewage Disposal Licensing Act [225 ILCS 225] ~~1987--ch--111--1/27--par--116-30i-et-seq-~~
- X) Probate Act of 1975 [755 ILCS 5] ~~1987--ch--111--1/27--par--1i-et-seq-~~
- Y) The Illinois Public Aid Code [305 ILCS 5] ~~1987--ch--111--1/27--par--1i-et-seq-~~
- Z) Safety Glazing Materials Act [430 ILCS 60] ~~1987--ch--111--1/27--par--310i-et-seq-~~
- AA) Illinois Administrative Procedure Act [5 ILCS 100]
- BB) Clinical Psychologist Licensing Act [225 ILCS 15]
- CC) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
- DD) Health Care Worker Background Check Act [225 ILCS 46]
- EE) Criminal Code of 1961 [720 ILCS 5]
- FF) Cannabis Control Act [720 ILCS 550]
- GG) Clinical Social Work Practice Act [225 ILCS 20]
- HH) Living Will Act [755 ILCS 35]
- II) Powers of Attorney for Health Care Law [755 ILCS 45]
- JJ) Health Care Surrogate Act [755 ILCS 40]
- KK) Right of Conscience Act [745 ILCS 70]
- LL) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
- MM) Supportive Residences Licensing Act [210 ILCS 65]
- NN) Community Residential Alternatives Licensing Act [210 ILCS 40]
- OO) Community Living Facilities Licensing Act [210 ILCS 35]
- PP) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
- QQ) Counties Code [55 ILCS 5]
- 3)4) State of Illinois rules:
- A) Office of the State Fire Marshal, Fire Prevention and Safety ~~1987--ch--111--1/27--par--100i-et-seq-~~
- B) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety Rules and Regulations (41 Ill. Adm. Code 120)
- C) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
- D) Department of Public Health:
- 1) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
- 2) Department of Public Health Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)
- 3) Department of Public Health Food Service Sanitation Code (77 Ill. Adm. Code 750)
- 4) Department of Public Health Illinois Plumbing Code (77 Ill. Adm. Code 890)
- 5) Department of Public Health Private Sewage Disposal

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Code (77 Ill. Adm. Code 905)
~~vii) Department of Public Health~~ Drinking Water Systems
 (77 Ill. Adm. Code 900)

~~viii) Department of Public Health~~ Illinois Water Well
 Construction Code (77 Ill. Adm. Code 920)

~~ix) Department of Public Health~~ Illinois Water Well
 Pump Installation Code (77 Ill. Adm. Code 925)

~~x) Freedom of Information Code (2 Ill. Adm. Code 1126)~~

~~xi) Rules of Practice and Procedure in Administrative
 Hearings (77 Ill. Adm. Code 100)~~

~~xii) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)~~

~~xiii) Intermediate Care for the Developmentally Disabled
 Facilities Code (77 Ill. Adm. Code 350)~~

~~xiv) Long-Term Care for Under Age 22 Facilities Code (77
 Ill. Adm. Code 390)~~

~~xv) Long-Term Care Assistants and Aides Training Programs
 Code (77 Ill. Adm. Code 395)~~

~~D) Department of Professional Regulation, Controlled Substance
 Act (77 Ill. Adm. Code 3100)~~

~~E) Department of Alcoholism and Substance Abuse, Alcoholism
 and Substance Abuse Treatment, Intervention and Research
 Programs (77 Ill. Adm. Code 2058)~~

~~F) Department of Public Aid, Access to Cost Reports (89 Ill.
 Adm. Code 140.544)~~

~~G) Department of Transportation, Regulation of Construction
 within Flood Plains (92 Ill. Adm. Code 706)~~

~~b) All incorporations by reference of federal regulations and the
 standards of nationally recognized organizations referred to in the
 regulations and standards on the date specified and do not include any
 additions or deletions subsequent to the date specified;~~

~~c) All citations to federal regulations in this Part concern the
 specified regulation in the 1986 Code of Federal Regulations, unless
 another date is specified;~~

(Source: Amended at 22 Ill. Reg. _____, effective
 _____)

SUBPART M: CONSTRUCTION STANDARDS FOR NEW INTERMEDIATE CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED

Section 350.2620 Codes and Standards

a) Each facility shall comply with the applicable provisions of the
 following codes and standards. Any incorporation by reference in this
 Section of federal rules or regulations of any Agency of the
 United States or of any standards of a nationally recognized
 organization or association refers to the regulations and standards on

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

the date specified and does not include includes any additions or
 deletions subsequent to new amendments or editions made after the
 date specified. (A7-B7)

1) State of Illinois rules
 A) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department
 of Public Health

B) Illinois Accessibility Code (71 Ill. Adm. Code 400), Capital
 Development Board

C) Fire Prevention and Safety (41 Ill. Adm. Code 1007) Office
 of the State Fire Marshal

D) Food Service Sanitation Code (77 Ill. Adm. Code 750),
 Department of Public Health

E) Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120),
 Office of the State Fire Marshal

2) Other Code and Standards

A) National Fire Protection Association, (NFPA) Standard No.
 101, Life Safety Code, 1997 1981 Edition (New Health Care
 Occupancies - Residential-Custodial Care) and all
 appropriate references under Chapter 33 Appendix--"B",
 including but not limited to:

ii) NFPA 10--1977 Standard for Portable Extinguishers
 iii) NFPA 13--1980 Standards for the Installation of
 Sprinkler Systems

iv) NFPA 56P--1977 Standard for Non-Flammable Medical
 Gas Systems

v) NFPA 70--1981 National Electric Code
 vi) NFPA 90A--1978 Standards for the Installation of Air
 Conditioning and Ventilating Systems

vii) NFPA 96--1980 Standard for the Installation of
 Equipment for the Removal of Smoke and Grease-laden
 Vapors from Commercial Cooking Equipment

viii) NFPA 220--1979 Standard Types of Building
 Construction

ix) NFPA 253--1978, Flooring Radiant Heat Energy Test
 x) NFPA 255--1972 Test of Surface--Burning
 Characteristics of Building Materials

B) Underwriters' Laboratories Laboratory, Inc. - (UL)
 i) Fire Resistive Resistance Index (All Editions)
 ii) Building Material Directory (All Editions)

iii) Standard No. 181-1974 Factory--Made--Air--Buct
 Materials and Air-Duct Connectors

C) American Society for Testing and Materials (ASTM),
 ii) Standard No. E-84-1977A Method of Test for Surface
 Burning Characteristics of Building Materials (Same as
 NFPA 255) ii) Standard No. E90-1975 Recommended
 Practice for Laboratory Measurement of Airborne Sound
 Transmission Loss of Building Partitions

D) American Society of Heating, Refrigerating and Air

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Conditioning Conditioning Engineers (ASHRAE):

- i) Handbook of Fundamentals, 1997 1977
- ii) Handbook of Applications, 1995 Standard--No--52-76 Methods--of--Testing--Air--Cleaning--Devices--Used--in General--Ventilation--for--Removing--Particulate--Matters

E) BOCA International Building Code (1996) Uniform--Building Code--(1992--Edition)--International--Conference--of--Building Officials

F) American National Standards Institute:

- i) Standard No. A17.1-1971, American--Standards Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped American--National--Standards--Institute

ii) 6) Standard No. A17.1-1995 1971, American--National Safety Code for Elevators and Escalators--and--Moving--Stairs

H) U.S. Department of Housing and Urban Development, HUD FT--YTS-24, A Guide to Air Borne, Impact and Structure Borne Noise--Control in Multi-Family Dwellings

b) In addition to compliance with the standards and regulations set forth herein, all building codes, ordinances and regulations that which are enforced by city, county or other local jurisdictions in which the facility is, or will be, located must be observed. (47-B)

c) Where no local building code exists, the recommendations of the 1996 1976 Edition of the BOCA International Uniform Building Code shall apply.

d) The local building code or the recommendations of the 1996 1982 Edition of the BOCA International Uniform Building Code shall apply insofar as such recommendations are not in conflict with the these standards set forth in this Part these--regulations, or with the National Fire Protection Association Code, Standard 101, Life Safety Code, 1997 (1981--Edition).

e) The Fire-Safety-Evaluation-System-for-Health-Occupancies--(Appendix--E) of--the--1981--edition--of--the--Life-Safety-Code--(NFPA-101)--shall--be--used by--the--Department--in--determining--whether--any--facility's--proposed equivalent--system--is--safe--and--does--not--constitute--a--hazard--to--the--life and--safety--of--the--staff--and--residents--in--making--its--determination regarding--the--proposed--equivalent--system--the--Department--shall consider--those--factors--listed--in--Appendix--E.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART O: RESIDENT'S RIGHTS

Section 350.3230 Restraints (Repealed)

a) Neither physical restraints nor confinements shall be employed for the

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

purpose--of--punishment--or--for--the--convenience--of--any--facility personnel--No--physical--restraints--or--confinements--shall--be--employed except--as--ordered--by--a--physician--who--documents--the--need--for--such restraints--or--confinements--in--the--resident's--clinical--record--(Section--3-106--of--the--Act)--(B)

b) Restraints--(as--defined--in--Section--350.330)--and--confinements--may--be employed--only--when--necessary--to--prevent--a--resident--from--injury himself--or--others--the--physician's--written--authorization--shall specify--the--precise--time--periods--and--conditions--in--which--any restraints--and--confinements--shall--be--employed--(B)

c) No--chemical--medication--or--tranquilizer--shall--be--employed--by--a facility--as--a--restraint--or--confinement--in--lieu--of--or--in--addition--to any--physical--restraint--or--confinement--Such--chemicals, medications--or tranquilizers--may--only--be--employed--as--part--of--a--duly--prescribed therapeutic--medical--treatment--program--authorized--by--the--resident's physician--and--documented--in--the--resident's--clinical--record--(B)

d) No--resident--shall--be--subjected--to--any--behavior--modification--program which--utilizes--restraints, confinements, or aversive stimuli--of--any nature--unless--and--until--the--informed--consent--of--such--resident, resident's--guardian, or parent--of--a--minor--resident--has--been--obtained--(B)

e) Manual--physical--restraint--must--be--authorized--in--advance--in--writing--by the--interdisciplinary--team, which--includes--a--physician--or--a--registered nurse--with--three--years--of--clinical--training--or--experience--acquired subsequent--to--the--acquisition--of--license, as part--of--an--individual program--plan.

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Long-Term Care for Under Age 22 Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 390
- 3) Section Numbers:
 390.340
 390.2620
 390.3230
Proposed Action:
 Amendments
 Repealer
- 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
- 5) A Complete Description of the Subjects and Issues Involved: The rules in Part 390 regulate the licensure of long-term care facilities for persons under age 22, under the Nursing Home Care Act.

Section 390.340 is being amended to update incorporated and referenced materials. Codes and standards are updated to more recent editions; addresses are corrected and added; format is clarified to distinguish between incorporated and referenced materials; statutory citations are changed from Illinois Revised Statutes to Illinois Compiled Statutes; rules and statutes cited elsewhere in this Part are added.

Section 390.2620 is being amended to incorporate, for new facilities, the 1997 edition of the National Fire Protection Association Life Safety Code. Other incorporated materials are updated and clarified, and the BOCA International Building Code (1996) is substituted for the Uniform Building Code (1982).

Section 390.3230 is being repealed. The Department has adopted new requirements on the use of restraints (see 20 Ill. Reg. 12049), effective September 10, 1996.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

- 6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

- 7) Does this Rulemaking Contain an Automatic Repeal Date? No

- 8) Does this Rulemaking Contain Any Incorporations By Reference? Yes

- 9) Are there any other Proposed Amendments Pending on this Part? Yes

Section Numbers Proposed Action Ill. Reg. Citation

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 390.315 New Section 21 Ill. Reg. 6755
 390.681 Amendments 21 Ill. Reg. 3497
 390.683 Amendments 21 Ill. Reg. 3497
 390.690 Amendments 21 Ill. Reg. 6755
 390.Table F Amendments 21 Ill. Reg. 6755

- 10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing to:

Ms. Gail M. DeVito
 Division of Legal Services
 Illinois Department of Public Health
 535 West Jefferson, Fifth Floor
 Springfield, Illinois 62761
 Telephone: 217/782-2043
 E-mail: rules@dph.state.il.us

within 45 days after this issue of the *Illinois Register*.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

- 12) Initial Regulatory Flexibility Analysis:

- A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Long-term care facilities

- B) Reporting, Bookkeeping or Other Procedures Required for Compliance:
 None

- C) Types of Professional Skills Necessary for Compliance: Professional skills required for design and construction of a long-term care facility.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 390

LONG-TERM CARE FOR UNDER AGE 22 FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
390.110	General Requirements
390.120	Application for License
390.130	Licensee
390.140	Issuance of an Initial License for a New Facility
390.150	Issuance of an Initial License Due to a Change of Ownership
390.160	Issuance of a Renewal License
390.165	Criteria for Adverse Licensee Actions
390.170	Denial of Initial License
390.175	Denial of Renewal of License
390.180	Revocation of License
390.190	Experimental Program Conflicting With Requirements
390.200	Inspections, Surveys, Evaluations and Consultation
390.210	Filing an Annual Attested Financial Statement
390.220	Information to Be Made Available to the Public by the Department
390.230	Information to Be Made Available to the Public By the Licensee
390.240	Municipal Licensing
390.250	Ownership Disclosure
390.260	Issuance of Conditional Licenses
390.270	Monitor and Receivership
390.271	Presentation of Findings
390.272	Determination to Issue a Notice of Violation or Administrative Warning
390.274	Determination of the Level of a Violation
390.276	Notice of Violation
390.277	Administrative Warning
390.278	Plans of Correction
390.280	Reports of Correction
390.282	Conditions for Assessment of Penalties
390.284	Calculation of Penalties
390.286	Determination to Assess Penalties
390.288	Reduction or Waiver of Penalties
390.290	Quarterly List of Violators
390.300	Alcoholism Treatment Programs in Long-Term Care Facilities
390.310	Department May Survey Facilities Formerly Licensed
390.320	Waivers
390.330	Definitions
390.340	Incorporated and Referenced Materials

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART B: ADMINISTRATION

Section	
390.500	Administrator

SUBPART C: POLICIES

Section	
390.610	Management Policies
390.620	Resident Care Policies
390.630	Admission and Discharge Policies
390.640	Contract Between Resident and Facility
390.650	Residents' Advisory Council
390.660	General Policies
390.670	Personnel Policies
390.675	Initial Health Evaluation for Employees
390.680	Child Care/Habilitation Aides
390.681	Health Care Worker Background Check
390.683	Registry of Child Care/Habilitation Aides
390.685	Student Interns
390.690	Disaster Preparedness
390.700	Serious Incidents and Accidents

SUBPART D: PERSONNEL

Section	
390.810	General
390.820	Categories of Personnel
390.830	Consultation Services

SUBPART E: HEALTH AND DEVELOPMENTAL SERVICES

Section	
390.1010	Service Programs
390.1020	Medical Services
390.1025	Life-Sustaining Treatments
390.1030	Physician Services
390.1035	Tuberculin Skin Test Procedures
390.1040	Nursing Services
390.1050	Dental Care Services
390.1060	Physical and Occupational Therapy Services
390.1070	Psychological Services
390.1080	Social Services
390.1090	Speech Pathology and Audiology Services
390.1100	Recreational and Activity Services
390.1110	Educational Services
390.1120	Work Activity and Prevocational Training Services

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART F: RESTRAINTS AND BEHAVIOR
MANAGEMENT

Section	
390.1310	Restraints
390.1312	Nonemergency Use of Physical Restraints
390.1314	Emergency Use of Physical Restraints
390.1316	Unnecessary, Psychotropic, and Antipsychotic Drugs
390.1320	Behavior Management
390.1330	Behavior Emergencies (Repealed)

SUBPART G: MEDICATIONS

Section	
390.1410	Medication Policies and Procedures
390.1420	Conformance with Physician's Orders
390.1430	Administration of Medication
390.1440	Labeling and Storage of Medications
390.1450	Control of Narcotics and Legend Drugs

SUBPART H: RESIDENT AND FACILITY RECORDS

Section	
390.1610	Resident Record Requirements
390.1620	Content of Medical Records
390.1630	Confidentiality of Resident's Records
390.1640	Records Pertaining to Residents' Property
390.1650	Retention and Transfer of Resident Records
390.1660	Other Resident Record Requirements
390.1670	Staff Responsibility for Medical Records
390.1680	Retention of Facility Records
390.1690	Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section	
390.1810	Director of Food Services
390.1820	Dietary Staff in Addition to Director of Food Services
390.1830	Hygiene of Dietary Staff
390.1840	Diet Orders
390.1850	Adequacy of Diet and Meal Pattern
390.1860	Infant and Therapeutic Diets
390.1870	Scheduling Meals
390.1880	Menu Planning
390.1890	Food Preparation and Service
390.1900	Preparation of Infant Formula
390.1910	Food Handling Sanitation
390.1920	Kitchen Equipment, Utensils, and Supplies

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART J: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section	
390.2010	Maintenance
390.2020	Housekeeping
390.2030	Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section	
390.2210	Furnishings
390.2220	Equipment and Supplies
390.2230	Sterilization of Supplies and Equipment

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

Section	
390.2410	Codes
390.2420	Water Supply
390.2430	Sewage Disposal
390.2440	Plumbing

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section	
390.2610	Applicability of these Standards
390.2620	Codes and Standards
390.2630	Preparation of Drawings and Specifications
390.2640	Site
390.2650	Administration and Public Areas
390.2660	Nursing Unit
390.2670	Dining, Play, Activity/Program Rooms
390.2680	Therapy and Personal Care
390.2690	Service Departments
390.2700	General Building Requirements
390.2710	Structural
390.2720	Mechanical Systems
390.2730	Plumbing Systems
390.2740	Electrical Systems

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS FOR EXISTING FACILITIES

Section	
390.2910	Applicability
390.2920	Codes and Standards
390.2930	Preparation of Drawings and Specifications
390.2940	Site
390.2950	Administration and Public Areas

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

390.2960 Nursing Unit
 390.2970 Play, Dining, Activity/Program Rooms
 390.2980 Treatment and Personal Care
 390.2990 Service Department
 390.3000 General Building Requirements
 390.3010 Structural
 390.3020 Mechanical Systems
 390.3030 Plumbing Systems
 390.3040 Electrical Requirements

SUBPART O: RESIDENT'S RIGHTS

Section
 390.3210 General
 390.3220 Medical and Personal Care Program
 390.3230 Restraints (Repealed)
 390.3240 Abuse and Neglect
 390.3250 Communication and Visitation
 390.3260 Resident's Funds
 390.3270 Residents' Advisory Council
 390.3280 Contract With Facility
 390.3290 Private Right of Action
 390.3300 Transfer or Discharge
 390.3310 Complaint Procedures
 390.3320 Confidentiality
 390.3330 Facility Implementation

SUBPART P: DAY CARE PROGRAMS

Day Care in Long-Term Care Facilities

APPENDIX A Interpretation and Illustrative Services for Long-Term Care Facility for Residents Under 22 Years of Age
 APPENDIX B Forms for Day Care in Long-Term Care Facilities
 APPENDIX C Guidelines for the Use of Various Drugs
 TABLE A Infant Feeding
 TABLE B Daily Nutritional Requirements By Age Group
 TABLE C Sound Transmissions Limitations
 TABLE D Pressure Relationships and Ventilation Rates of Certain Areas for New Long-Term Care Facilities for Persons Under Twenty-Two (22) Years of Age
 TABLE E Sprinkler Requirements
 TABLE F Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 6 Ill. Reg. 1658, effective February 1, 1982; emergency amendment at 6 Ill. Reg. 3223, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11622, effective September 14, 1982; amended at 6 Ill. Reg. 14557 and 14560, effective November 8, 1982; amended at 6 Ill. Reg. 14678, effective November 15, 1982; amended at 7 Ill. Reg. 282, effective December 22, 1982; amended at 7 Ill. Reg. 1927, effective January 28, 1983; amended at 7 Ill. Reg. 8574, effective July 11, 1983; amended at 7 Ill. Reg. 15821, effective November 15, 1983; amended at 7 Ill. Reg. 16988, effective December 14, 1983; amended at 8 Ill. Reg. 15585, 15589, and 15592, effective August 15, 1984; amended at 8 Ill. Reg. 16989, effective September 5, 1984; codified at 8 Ill. Reg. 19823; amended at 8 Ill. Reg. 24159, effective November 29, 1984; amended at 8 Ill. Reg. 24656, effective December 7, 1984; amended at 8 Ill. Reg. 25083, effective December 14, 1984; amended at 9 Ill. Reg. 122, effective December 26, 1984; amended at 9 Ill. Reg. 10785, effective July 1, 1985; amended at 11 Ill. Reg. 16782, effective October 1, 1987; amended at 12 Ill. Reg. 931, effective December 24, 1987; amended at 12 Ill. Reg. 16780, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18243, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6301, effective April 17, 1989; amended at 13 Ill. Reg. 19521, effective December 1, 1989; amended at 14 Ill. Reg. 14904, effective October 1, 1990; amended at 15 Ill. Reg. 1878, effective January 25, 1991; amended at 16 Ill. Reg. 623, effective January 1, 1992; amended at 16 Ill. Reg. 14329, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2390, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 7974, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15073, effective September 3, 1993; amended at 17 Ill. Reg. 16167, effective January 1, 1994; amended at 17 Ill. Reg. 19235, effective October 26, 1993; amended at 17 Ill. Reg. 19547, effective November 4, 1993; amended at 17 Ill. Reg. 21031, effective November 20, 1993; amended at 18 Ill. Reg. 1453, effective January 14, 1994; amended at 18 Ill. Reg. 15807, effective October 15, 1994; amended at 19 Ill. Reg. 11525, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 535, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10106, effective July 15, 1996; amended at 20 Ill. Reg. 12101, effective September 10, 1996; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 390.340 Incorporated and Referenced Materials

- a) The following regulations and 7 standards,---and---statutes are incorporated or referenced in this Part:
- 1) Private and professional association standards:
 - A) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1980), which may be obtained from the American Dietetic Association, 430 North Michigan Avenue, Chicago, Illinois 60611.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- B) American National Standards Institute, -----Standard
 A17.1-04:---Safety-Code-for-Elevators-and-Escalators---(1985),
 which may be obtained from the American Society of
 Mechanical Engineers, United Engineering Center, 325 East
 47th Street, New York, New York 10017,7
 i) Standard No. A17.1-R1971, Specifications for Making
 Buildings and Facilities Accessible to, and Usable
 by, the Physically Handicapped; and
 ii) Standard No. A17.1-1995, Safety Code for Elevators and
 Escalators.
- C) American Society of Heating, Refrigerating, and Air
 Conditioning Engineers (ASHRAE), Handbook of Fundamentals
 (1997) (1977), which may be obtained from the National
 Association of American Society of Heating, Refrigerating,
 and Air Conditioning Engineers, Inc., 1791 Tullie Circle,
 N.E., Atlanta, Georgia 30329. 7-United-Engineering-Center7
 345-East-47th-Street-New-York-New-York-10017-
 D) The-following-standards-of-the-American-Society-for-Testing
 and Materials (ASTM), 7-1 Standard-No---E-84-1977A---Method
 of-Test-for-Surface-Burning-Characteristics-of-Building
 Materials 1) Standard No. E90-1975: Recommended Practice
 for Laboratory Measurement of Airborne Sound Transmission
 Loss of Building Partitions, which may be obtained from the
 American Society for Testing and Materials, 1916 Race
 Street, Philadelphia, Pennsylvania 19103.
- E) BOCA International Building Code (1996), which may be
 obtained from Building Officials and Code Administrators
 International, Inc., 4051 Flossmoor Road, Country Club
 Hills, Illinois 60478-5795. International-Conference-of
 Building-Officials-Uniform-Building-Code-(1976-and-1982)-
 F) National Fire Protection Association (NFPA) Standard No.
 101: Life Safety Code, Chapter 33 (1997), Appendix-B-(1981)
 and-the-following-additional-standards, which may be
 obtained from the National Fire Protection Association, 1
 Batterymarch Battery Park, Quincy, Massachusetts 02269. 7
 1) No-10-(1978)---Standards-for-Portable-Extinguishers
 1) No-13-(1980)---Standards-for-the-Installation-of
 Sprinkler-Systems
 1) No-56P-(1977)---Standards-for-Non-Flammable-Medical
 Gas-Systems
 1) No-70-(1981)---National-Electric-Code
 1) No-90A-(1978)---Installation-of-Air-Conditioning-and
 Ventilating-Systems
 1) No-96-(1980)---Standard-for-the-Installation-of
 Equipment-for-the-Removal-of-Smoke-and-Grease-laden
 Vapors-from-Commercial-Cooking-Equipment-for-the
 Removal-of-Smoke-and-Grease-laden-Vapors-from
 Commercial-Cooking-Equipment

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) No-220-(1979)---Standards---types---of---Building
 Construction
 1) No-253-(1978)---Flooring-Radiant-Heat-Energy-Test
 1) No-255-(1972)---Test---of---Surface---Burning
 Characteristics-of-Building-Materials
 6) Compressed-Gas-Association-Pamphlet-2-1-Standard-for
 Medical-Surgical-Vacuum-Systems-in-Hospitals-(1976)-
 G) Underwriters Laboratories, Inc., (UL), which
 may be obtained from Underwriters Laboratories, Inc., 333
 Pfingsten Rd., Northbrook, Illinois 60062:
 i) Fire Resistive Resistance Index (all editions), and
 ii) Building Material Directory (all editions) 7---and
 Standard-No-181-(1974)---Factory-Made-Air-Duct
 Materials-and-Air-Duct-Connectors.
 H) American Medical Record Association, Requirements for
 Medical Record Practitioners (1985), which may be obtained
 from the American Medical Record Association, John Hancock
 Center, Suite 1850, 875 North Michigan, Chicago, Illinois
 60611.
 I) Commission on Rehabilitation Counselor Certification,
 Requirements for Rehabilitation Counselor Certification
 (1986), which may be obtained from the Commission on
 Rehabilitation Counselor Certification, 1156 Shore Drive,
 Room 350, Arlington Heights, Illinois 60004.
 J) National Council for Therapeutic Recreation Certification,
 Requirements for Therapeutic Recreation Certification
 (1985), which may be obtained from the National Council for
 Therapeutic Recreation Certification, P.O. Box 16126,
 Alexandria, Virginia 22302.
 K) Council on Social Work Education, Requirements for an
 Approved School of Social Work (1983), which may be obtained
 from the Council on Social Work Education, 111 Eighth
 Avenue, New York, New York 10011.
 b) All incorporations by reference of federal regulations and the
 standards of nationally recognized organizations refer to the
 regulations and standards on the date specified and do not include any
 additions or deletions subsequent to the date specified.
 c) The following statutes and State regulations are referenced in this
 Part:
 2) Federal statutes and regulations:
 A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)
 B) Social Security Act (42 U.S.C. 301 et seq., 1395 et seq. and
 1396 et seq.)
 3) State of Illinois statutes:
 A) Illinois Alcoholic and Other Drug Dependency Act [20 ILCS
 305] (1977-1987, ch. 117, par. 651-1 et
 seq.)
 B) Boiler and Pressure Vessel Safety Act [430 ILCS 75] (1977-

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- Rev--Stat--1987--ch--111--1/2--par--3201-et-seq-->
- C) Child Care Act of 1969 [225 ILCS 10] (111--Rev--Stat--1987--ch--237--par--2211-et-seq-->
- D) Civil Practice Act [735 ILCS 5] (111--Rev--Stat--1987--ch--1107--par--2101-et-seq-->
- E) Court of Claims Act, [705 ILCS 505] (111--Rev--Stat--1987--ch--377--par--4391-et-seq-->
- F) The Illinois Dental Practice Act [225 ILCS 25] (111--Rev--Stat--1987--ch--1117--par--2301-et-seq-->
- G) The Election Code [10 ILCS 5] (111--Rev--Stat--1987--ch--467--par--11-et-seq-->
- H) Freedom of Information Act [5 ILCS 140] (111--Rev--Stat--1987--ch--1167--par--201-et-seq-->
- I) General Not For Profit Corporation Act [805 ILCS 105] (111--Rev--Stat--1987--ch--327--par--10101-et-seq-->
- J) "AN--AGE--in--relation--to--homes--for--the--aged"--(111--Rev--Stat--1987--ch--347--par--3561-et-seq-->
- J) Hospital Licensing Act [210 ILCS 85] (111--Rev--Stat--1987--ch--111/2--par--142-et-seq-->
- K) Illinois Controlled Substances Act [720 ILCS 570] (111--Rev--Stat--1987--ch--567--par--567/27--par--1100-et-seq-->
- L) Illinois Health Facilities Planning Act [20 ILCS 3906] (111--Rev--Stat--1987--ch--111/27--par--1151-et-seq-->
- M) Article--I--Division--37 Illinois Municipal Code [65 ILCS 5] (111--Rev--Stat--1987--ch--247--par--1191-et-seq-->
- N) Life Care Facilities Act [210 ILCS 40] (111--Rev--Stat--1987--ch--111/27--par--41601-et-seq-->
- O) Local Governmental and Governmental Employees Tort Immunity Act [745 ILCS 10] (111--Rev--Stat--1987--ch--857--par--1101-et-seq-->
- P) Medical Practice Act of 1987 [225 ILCS 60] (111--Rev--Stat--1987--ch--1117--par--44001-et-seq-->
- Q) Mental Health and Developmental Disabilities Code [405 ILCS 5] (111--Rev--Stat--1987--ch--911/27--par--1100-et-seq-->
- R) The Illinois Nursing Act of 1987 [225 ILCS 65] (111--Rev--Stat--1987--ch--1117--par--3501-et-seq-->
- S) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70] (111--Rev--Stat--1987--ch--1117--par--3651-et-seq-->
- T) Nursing Home Care Act [210 ILCS 45] (111--Rev--Stat--1987--ch--111/27--par--4151101-et-seq--> as amended by Public Act 85-9687--effective--December--97--1987--Public Act--85-1187 effective August--137-19807--and Public Act--85-13707-effective September--17-19807
- U) Illinois Occupational Therapy Practice Act [225 ILCS 75] (111--Rev--Stat--1987--ch--1117--par--3701-et-seq-->
- V) Pharmacy Practice Act of 1987 [225 ILCS 85] (111--Rev--Stat--1987--ch--1117--par--4121-et-seq-->

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- W) Illinois Physical Therapy Act of 1985 [225 ILCS 90] (111--Rev--Stat--1987--ch--1117--par--4251-et-seq-->
- X) Private Sewage Disposal Licensing Act [225 ILCS 225] (111--Rev--Stat--1987--ch--111/27--par--116701-et-seq-->
- Y) Probate Act of 1975 [755 ILCS 5] (111--Rev--Stat--1987--ch--1107/27--par--11-et-seq-->
- Z) The Illinois Public Aid Code [305 ILCS 5] (111--Rev--Stat--1987--ch--277--par--11-et-seq-->
- AA) Safety Glazing Materials Act [430 ILCS 60] (111--Rev--Stat--1987--ch--111/27--par--3101-et-seq-->
- BB) The School Code [105 ILCS 5] (111--Rev--Stat--1987--ch--1227--par--11-et-seq-->
- CC) Illinois Administrative Procedure Act [5 ILCS 100]
- DD) Clinical Psychologist Licensing Act [225 ILCS 15]
- EE) Dietetic and Nutrition Services Practices Act [225 ILCS 30]
- FF) Health Care Worker Background Check Act [225 ILCS 46]
- GG) Criminal Code of 1961 [720 ILCS 5]
- HH) Cannabis Control Act [720 ILCS 550]
- II) Clinical Social Work and Social Work Practice Act [225 ILCS 20]
- JJ) Living Will Act [755 ILCS 35]
- KK) Powers of Attorney for Health Care Law [755 ILCS 45]
- LL) Health Care Surrogate Act [755 ILCS 40]
- MM) Right of Conscience Act [745 ILCS 70]
- NN) Abuse and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
- OO) Supportive Residences Licensing Act [210 ILCS 65]
- PP) Community Residential Alternatives Licensing Act [210 ILCS 40]
- QQ) Community Living Facilities Licensing Act [210 ILCS 35]
- RR) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
- SS) Counties Code [55 ILCS 5]
- 4) State of Illinois rules:
 A) Office--of--the--State--Fire--Marshal--Fire--Prevention--and--Safety Act (111--Adm--Code--100)
 A) Office of the State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill. Adm. Code 120)
 B) Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
 C) Department of Public Health
 1) Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
 11) Department--of--Public--Health Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)
 111) Department--of--Public--Health Food Service Sanitation Code (77 Ill. Adm. Code 750)
 116) Department--of--Public--Health Illinois Plumbing Code

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- (77 Ill. Adm. Code 890)
- v)H) Department-of-Public-Health Private Sewage Disposal Code (77 Ill. Adm. Code 905)
- vii)H) Department-of-Public-Health Drinking Water Systems Code (77 Ill. Adm. Code 900)
- vii)J) Department-of-Public-Health Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
- viii)K) Department-of-Public-Health Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
- ix) Freedom of Information Code (2 Ill. Adm. Code 1126)
- x) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
- xi) Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
- xii) Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
- xiii) Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
- xiv) Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)
- D)B) Department of Professional Regulation, Controlled Substances Act (77 Ill. Adm. Code 3100)
- E)M) Department of Alcoholism and Substance Abuse, Alcoholism and Substance Abuse Treatment, Intervention and Research Programs (77 Ill. Adm. Code 2058)
- F)N) Department of Public Aid, Access to Cost Reports (89 Ill. Adm. Code 140.544)
- G)B) Department of Transportation, Regulation of Construction within Flood Plains (92 Ill. Adm. Code 706)
- b) All-incorporations-by-reference-of-federal-regulations-and-the standards-of-nationally-recognized-organizations-refer-to-the regulations-and-standards-on-the-date-specified-and-do-not-include-any additions-or-deletions-subsequent-to-the-date-specified.
- c) All-citations-to-federal-regulations-in-this-Part-concern-the specified-regulation-in-the-1986-Code-of-Federal-Regulations;--unless another-date-is-specified:

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW FACILITIES

Section 390.2620 Codes and Standards

- a) Each facility shall comply with the applicable provisions of the following codes and standards. Any incorporation by reference in this Section of federal the rules or regulations of any Agency--of-the United--States or of any standards of a nationally recognized organization or association refers to the regulations and standards on

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- the date specified and does not include any additions or deletions subsequent to ~~includes--no-new-amendments-or-editions-made-after~~ the date specified. ~~(A)B)~~
- 1) State of Illinois Rules
- A) Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health
- B) Illinois Accessibility Code (77 Ill. Adm. Code 400), Capital Development Board
- ~~E) Fire--Prevention--and-Safety--(41-III-Adm--Code-1007--Office of-the-State-Fire-Marshar~~
- ~~C)B) Food Service Sanitation Code (77 Ill. Adm. Code 750), Department of Public Health~~
- ~~D)B) Boiler and Pressure Vessel Safety Code (41 Ill. Adm. Code 120), Office of the State Fire Marshal~~
- 2) ~~Other Codes and Standards References~~
- A) National Fire Protection Association, ~~1) (NFPA) Standard No. 101: Life Safety Code 1997 1991 Edition (New Health Care Occupancies) and all appropriate references Chapter 33 under--Appendix--B7 including-but-not-limited-to: 1) NFPA--10-----19787 Standard-for-Portable-Extinguishers 1)NFPA-13-----19807--Standards--for--the--installation--of Sprinkler-Systems 1)NFPA-56F-----19777--Standard-for-Non-Flammable-Medical Gas-Systems 1) NFPA-70--19817-National-Electric-Code 1) NFPA-90A-----19787-Standard-for-the-Installation-of--Air Conditioning-and-Ventilating-Systems 1)NFPA-96-----19807--Standard--for--the--Installation--of Equipment--for--the--Removal-of-Smoke-and-Grease-From Vapors-from-Commercial-Cooking-Equipment 1)NFPA-220-----19797--Standard--types--of--Building Construction 1)NFPA-253-----19787-Flooring-Radiant-Heat-Energy-Test 1) NFPA--255-----19727--Test--of--Surface--Burning Characteristics-of-Building-Materials~~
- B) Underwriters' Laboratories Laboratory, Inc. (UL):
- i) Fire Resistance Index (date) (All Editions)
- ii) Building Material Directory (All Editions)
- ~~1)NFPA-255) 1) Standard No. E90-1975, Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions~~
- C) American Society for Testing and Materials (ASTM)
- ~~1) Standard-No-B-84-1977A-Method-of--Test--for--Surface Burning-Characteristics-of-Building-Materials--(Same-as NFPA-255) 1) Standard No. E90-1975, Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions~~
- D) American Society of Heating, Refrigerating and Air

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Conditioning Engineers (ASHRAE):

- i) Handbook of Fundamentals, 1997 1977
- ii) Handbook of Applications, 1995 Standard--No--52-76
Methods--of--Testing--Air--Cleaning--Devices--Used--in
General--Ventilation--for--Removing--Particulate--Matters
- E) BOCA International Building Code (1996) Uniform--Building
Code--(1982--Edition)--International--Conference--of--Building
Officials
- F) American National Standards Institute (ANSI):
 - i) Standard No. All7.1-R1971 American Standards
Specifications for Making Buildings and Facilities
Accessible to, and Usable by, the Physically
Handicapped--American--National--Standards--Institute
 - ii) Standard No. A17.1-1995 1971, American National
Safety Code for Elevators and 7Bumbwaiters
Escalators--and--Moving--Stairs--American--National
Standards--Institute
- H) Pamphlet P-2-1-1967--Standard--for--Medical--Surgical--Vacuum
Systems--in--Hospitals--Compressed--Gas--Association
- I) HBB-PWYS-24--A--Guide--to--Air--Borne--Impact--and--Structure
Borne--Noise--Control--in--Multi-Family--Dwellings--Superintendent
of--Documents--U-S--Government--Printing--Office

b) In addition to compliance with the requirements set forth in this Section, all building codes, ordinances and regulations that which are enforced by city, county or other local jurisdictions in which the facility is, or will be, located must be observed. (47B)

c) Where no local building code exists, the recommendations of the 1996 1976 Edition of the BOCA International Uniform Building Code shall apply.

d) The local building code or the recommendations of the 1996 1982 Edition of the BOCA International Uniform Building Code shall apply insofar as such recommendations are not in conflict with the requirements set forth in this Part, or with the National Fire Protection Association Standard Code 101.7 Life Safety Code, 1997 1981.

e) The--Fire--Safety--Evaluation--System--for--Health--Occupancies--(Appendix--C) of--the--1991--edition--of--the--Life--Safety--Code--(NFPA--101)--shall--be--used by--the--Department--in--determining--whether--any--facility's--proposed equivalent--system--is--safe--and--does--not--constitute--a--hazard--to--the--life and--safety--of--the--staff--and--residents--in--making--its--determination regarding--the--proposed--equivalent--system--the--Department--shall consider--those--factors--listed--in--Appendix--C.

f) Pursuant to the Medicare/Medicaid certification requirements of 42 CFR 405.1134(a) (1983) and 42 CFR 442.321(c) (1983), any skilled nursing facility that on December 4, 1980 or on November 26, 1982, or any intermediate care facility that on November 26, 1982, complied with the requirements of the 1967 or 1973 edition of the Life Safety Code will be considered to be in compliance with Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

390.2620(a)(2)(A)(i), as long as the facility continues to remain in compliance with that edition of the Code.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART O: RESIDENT'S RIGHTS

Section 390.3230 Restraints (Repealed)

a) Neither physical restraints nor confinements shall be employed for the purpose of punishment or for the convenience of any facility personnel. No physical restraints or confinements shall be employed except as ordered by a physician who documents the need for such restraints or confinements in the resident's clinical record. (B) (Section 2-106 of the Act)

b) Restraints and confinements may be employed only when necessary to prevent a resident from injuring himself or others. The physician's written authorization shall specify the precise time periods and conditions in which any restraints and confinements shall be employed. (B)

c) Neither shall medication be employed by a facility as a restraint or confinement except as employed as part of a duly prescribed therapeutic medical treatment program authorized by the resident's physician and documented in the resident's clinical record. (B)

d) No resident shall be subjected to any behavior modification program which utilizes restraints, confinements, or adverse stimuli of any nature unless and until the informed consent of such resident's guardian or parent of a minor resident has been obtained. (B)

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Sheltered Care Facilities Code

2) Code Citation: 77 Ill. Adm. Code 330

3) Section Numbers: Proposed Action:

330.340 Amendments
330.3040 Amendments
330.4230 Repealer

4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]

5) A Complete Description of the Subjects and Issues Involved: The rules in Part 330 regulate the licensure of sheltered care facilities under the Nursing Home Care Act.

Section 330.340 is being amended to update incorporated and referenced materials. Codes and standards are updated to more recent editions; addresses are corrected and added; format is clarified to distinguish between incorporated and referenced materials; statutory citations are changed from Illinois Revised Statutes to Illinois Compiled Statutes; rules and statutes cited elsewhere in this Part are added.

Section 330.3040 is being amended to incorporate, for new facilities, the 1997 edition of the National Fire Protection Association Life Safety Code. Other incorporated materials are updated and clarified, and the BOCA International Building Code (1996) is substituted for the Uniform Building Code (1982).

Section 330.4230 is being repealed. The Department has adopted new requirements on the use of restraints (see 20 Ill. Reg. 12160), effective September 10, 1996.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Any Incorporations By Reference? Yes

9) Are there any other Proposed Amendments Pending on this Part? Yes

Section Numbers Proposed Action Ill. Reg. Citation

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

330.315 New Section 21 Ill. Reg. 6770
330.770 New Section 21 Ill. Reg. 6770
330.911 Amendments 21 Ill. Reg. 3513
330.Table A Amendments 21 Ill. Reg. 6770

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Ms. Gail M. DeVito
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
Telephone: (217)782-2043
E-mail: rules@idph.state.il.us

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected: Long-term care facilities

B) Reporting, Bookkeeping or Other Procedures Required for Compliance: None

C) Types of Professional Skills Necessary for Compliance: Professional skills required for design and construction of a long-term care facility.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER c: LONG-TERM CARE FACILITIES

PART 330

SHELTERED CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
330.110	General Requirements
330.120	Application for License
330.130	Licensee
330.140	Issuance of an Initial License For a New Facility
330.150	Issuance of an Initial License Due to a Change of Ownership
330.160	Issuance of a Renewal License
330.165	Criteria for Adverse License Actions
330.170	Denial of Initial License
330.175	Denial of Renewal of License
330.180	Revocation of License
330.190	Experimental Program Conflicting With Requirements
330.200	Inspections, Surveys, Evaluations and Consultation
330.210	Filing an Annual Attested Financial Statement
330.220	Information to be Made Available to the Public By the Department
330.230	Information to be Made Available to the Public By the Licensee
330.240	Municipal Licensing
330.250	Ownership Disclosure
330.260	Issuance of Conditional Licenses
330.270	Monitoring and Receivership
330.271	Presentation of Findings
330.272	Determination to Issue a Notice of Violation or Administrative Warning
330.274	Determination of the Level of a Violation
330.276	Notice of Violation
330.277	Administrative Warning
330.278	Plans of Correction
330.280	Reports of Correction
330.282	Conditions for Assessment of Penalties
330.284	Calculation of Penalties
330.286	Determination to Assess Penalties
330.288	Reduction or Waiver of Penalties
330.290	Quarterly List of Violators
330.300	Alcoholism Treatment Programs In Long-Term Care Facilities
330.310	Department May Survey Facilities Formerly Licensed
330.320	Waivers
330.330	Definitions
330.340	Incorporated and Referenced Materials

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART B: ADMINISTRATION

Section
330.510

Administrator

SUBPART C: POLICIES

Section	
330.710	Resident Care Policies
330.720	Admission and Discharge Policies
330.730	Contract Between Resident and Facility
330.740	Residents' Advisory Council
330.750	General Policies
330.760	Personnel Policies
330.765	Initial Health Evaluation for Employees
330.770	Disaster Preparedness
330.780	Serious Incidents and Accidents

SUBPART D: PERSONNEL

Section	
330.910	Personnel
330.911	Health Care Worker Background Check
330.913	Nursing and Personal Care Assistants (Repealed)
330.916	Student Interns (Repealed)
330.920	Consultation Services
330.930	Personnel Policies

SUBPART E: HEALTH SERVICES AND MEDICAL CARE OF RESIDENTS

Section	
330.1110	Medical Care Policies
330.1120	Personal Care
330.1125	Life Sustaining Treatments
330.1130	Communicable Disease Policies
330.1135	Tuberculin Skin Test Procedures
330.1140	Behavior Emergencies (Repealed)
330.1145	Restraints
330.1150	Emergency Use of Physical Restraints
330.1155	Unnecessary, Psychotropic, and Antipsychotic Drugs

SUBPART F: RESTORATIVE SERVICES

Section	
330.1310	Activity Program
330.1320	Work Programs
330.1330	Written Policies for Restorative Services

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART G: MEDICATIONS

Section	
330.1510	Medication Policies
330.1520	Administration of Medication
330.1530	Labeling and Storage of Medications

SUBPART H: RESIDENT AND FACILITY RECORDS

Section	
330.1710	Resident Record Requirements
330.1720	Content of Medical Records
330.1730	Records Pertaining to Residents' Property
330.1740	Retention and Transfer of Resident Records
330.1750	Other Resident Record Requirements
330.1760	Retention of Facility Records
330.1770	Other Facility Record Requirements

SUBPART I: FOOD SERVICE

Section	
330.1910	Director of Food Services
330.1920	Dietary Staff in Addition to Director of Food Services
330.1930	Hygiene of Dietary Staff
330.1940	Diet Orders
330.1950	Adequacy of Diet and Meal Pattern
330.1960	Therapeutic Diets
330.1970	Scheduling of Meals
330.1980	Menu Planning
330.1990	Food Preparation and Service
330.2000	Food Handling Sanitation
330.2010	Kitchen Equipment, Utensils, and Supplies

SUBPART J: MAINTENANCE, HOUSEKEEPING AND LAUNDRY

Section	
330.2210	Maintenance
330.2220	Housekeeping
330.2230	Laundry Services

SUBPART K: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section	
330.2410	Furnishings
330.2420	Equipment and Supplies

SUBPART L: WATER SUPPLY AND SEWAGE DISPOSAL

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

Section	
330.2610	Codes
330.2620	Water Supply
330.2630	Sewage Disposal
330.2640	Plumbing
SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW SHELTERED CARE FACILITIES	
330.2810	Applicable Requirements (Repealed)
330.2820	Applicability of These Standards
330.2830	Submission of a Program Narrative
330.2840	New Constructions, Additions, Conversions, and Alterations
330.2850	Preparation and Submission of Drawings and Specifications
330.2860	First Stage Drawings
330.2870	Second Stage Drawings
330.2880	Architectural Drawings
330.2890	Structural Drawings
330.3000	Mechanical Drawings
330.3010	Electrical Drawings
330.3020	Additions to Existing Structures
330.3030	Specifications
330.3040	Building Codes
330.3050	Site
330.3060	General Building Requirements
330.3070	Administration
330.3080	Corridors
330.3090	Bath and Toilet Rooms
330.3100	Living, Dining, Activity Rooms
330.3110	Bedrooms
330.3120	Special Care Room
330.3130	Kitchen
330.3140	Laundry
330.3150	Housekeeping, Service, and Storage
330.3160	Plumbing
330.3170	Heating
330.3180	Electrical

SUBPART N: FIRE PROTECTION STANDARDS FOR NEW SHELTERED CARE FACILITIES

Section	
330.3310	Applicable Requirements (Repealed)
330.3320	Applicability of These Standards
330.3330	Fire Protection
330.3340	Fire Department Service and Water Supply
330.3350	General Building Requirements

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

330.3360 Exit Facilities and Subdivision of Floor Areas
 330.3370 Stairways, Vertical Openings, and Doorways
 330.3380 Corridors
 330.3390 Exit Lights and Directional Signs
 330.3390 Hazardous Areas and Combustible Storage
 330.3400 Fire Alarm and Detection System
 330.3410 Fire Extinguishers, Electric Wiring, and Miscellaneous
 330.3420 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills
 330.3430

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS FOR
 EXISTING SHELTERED CARE FACILITIES

Section
 330.3610 Site
 330.3620 General Building Requirements
 330.3630 Administration
 330.3640 Corridors
 330.3650 Bath and Toilet Rooms
 330.3660 Living, Dining, and Activity Rooms
 330.3670 Bedrooms
 330.3680 Special Care Room
 330.3690 Kitchen
 330.3700 Laundry Room
 330.3710 Housekeeping and Service Rooms and Storage Space
 330.3720 Plumbing and Heating
 330.3730 Electrical

SUBPART P: FIRE PROTECTION STANDARDS FOR EXISTING
 SHELTERED CARE FACILITIES

Section
 330.3910 Fire Protection
 330.3920 Fire Department Service and Water Supply
 330.3930 Occupancy and Fire Areas
 330.3940 Exit Facilities and Subdivision of Floor Areas
 330.3950 Stairways, Vertical Openings, and Doorways
 330.3960 Exit and Fire Escape Lights and Directional Signs
 330.3970 Hazardous Areas and Combustible Storage
 330.3980 Fire Alarm and Detection System
 330.3990 Fire Extinguishers, Electric Wiring, and Miscellaneous
 330.4000 Use of Fire Extinguishers, Evacuation Plan, and Fire Drills

SUBPART Q: RESIDENT'S RIGHTS

Section
 330.4210 General
 330.4220 Medical and Personal Care Program
 330.4230 Restraints (Repealed)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

330.4240 Abuse and Neglect
 330.4250 Communication and Visitation
 330.4260 Resident's Funds
 330.4270 Residents' Advisory Council
 330.4280 Contract With Facility
 330.4290 Private Right of Action
 330.4300 Transfer or Discharge
 330.4310 Complaint Procedures
 330.4320 Confidentiality
 330.4330 Facility Implementation

SUBPART R: DAY CARE PROGRAMS

Section
 330.4510 Day Care In Long-Term Care Facilities
 APPENDIX A Interpretation, Components, and Illustrative Services for Sheltered Care Facilities
 APPENDIX B Classification of Distinct Part of a Facility For Different Levels of Service (Repealed)
 APPENDIX C Forms for Day Care in Long-Term Care Facilities
 APPENDIX D Criteria for Activity Directors Who Need Only Minimal Consultation
 APPENDIX E Guidelines for the Use of Various Drugs
 TABLE A Disaster Preparedness Parameters -- Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 807, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 933, effective July 28, 1980; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 14547, effective November 8, 1982; amended at 6 Ill. Reg. 14681, effective November 15, 1982; amended at 7 Ill. Reg. 1963, effective January 28, 1983; amended at 7 Ill. Reg. 6973, effective May 17, 1983; amended at 7 Ill. Reg. 15825, effective November 15, 1983; amended at 8 Ill. Reg. 15596, effective August 15, 1984; amended at 8 Ill. Reg. 15941, effective August 17, 1984; codified at 8 Ill. Reg. 19790; amended at 8 Ill. Reg. 24241, effective November 28, 1984; amended at 8 Ill. Reg. 24696, effective December 7, 1984; amended at 9 Ill. Reg. 2952, effective February 25, 1985; amended at 9 Ill. Reg. 10974, effective July 1, 1985; amended at 11 Ill. Reg. 16879, effective October 1, 1987; amended at 12 Ill. Reg. 1017, effective December 24, 1987; amended at 12 Ill. Reg. 16870, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18939, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 6562, effective April 17, 1989; amended at 13 Ill. Reg. 19580, effective December 1, 1989; amended at 14 Ill. Reg. 14928, effective

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

October 1, 1990; amended at 15 Ill. Reg. 516, effective January 1, 1991; amended at 16 Ill. Reg. 651, effective January 1, 1992; amended at 16 Ill. Reg. 14370, effective September 3, 1992; emergency amendment at 17 Ill. Reg. 2405, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8000, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15089, effective September 3, 1993; amended at 17 Ill. Reg. 16180, effective January 1, 1994; amended at 17 Ill. Reg. 19258, effective October 26, 1993; amended at 17 Ill. Reg. 19576, effective November 4, 1993; amended at 17 Ill. Reg. 21044, effective November 20, 1993; amended at 18 Ill. Reg. 1475, effective January 14, 1994; amended at 18 Ill. Reg. 15851, effective October 15, 1994; amended at 19 Ill. Reg. 11567, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 552, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 10125, effective July 15, 1996; amended at 20 Ill. Reg. 12160, effective September 10, 1996; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 330.340 Incorporated and Referenced Materials

- a) The following private and professional association regulations, standards, and statutes are incorporated or referenced in this Part:
- 1) Private and professional association standards:
 - 1) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1980), which may be obtained from the American Dietetic Association, 430 North Michigan Avenue, Chicago, Illinois 60611.
 - 2) National Fire Protection Association (NFPA), Standard No. 101: Life Safety Code, Chapter 33 (1997), Appendix-B-(1991)-and Standard-No.-70:--National-Electric-Code-(1981)-, which may be obtained from the National Fire Protection Association, 1 Battery March Battery Park, Quincy, Massachusetts 02269.
 - 3) American Medical Record Association, Requirements for Medical Record Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.
 - 4) Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive, Room 350, Arlington Heights, Illinois 60004.
 - 5) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia VA, 22302.
 - b) All incorporations by reference of the standards of nationally

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

recognized organizations refer to the standards on the date specified and do not include any additions or deletions subsequent to the date specified.

c) The following statutes and State regulations are referenced in this Part:

- 1) Federal statutes and regulations:
 - A) Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.)
 - B) Social Security Act (42 U.S.C. 301 et seq., 1395 et seq. and 1396 et seq.)
- 2) State of Illinois statutes:
 - A) Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305] ~~1987~~ ~~ch. 111-1/2~~ ~~par. 635i-1-et seq.~~
 - B) Child Care Act of 1969 [225 ILCS 10] ~~1987~~ ~~ch. 237-par. 231-et-seq.~~
 - C) Court of Claims Act [705 ILCS 505] ~~1987~~ ~~ch. 377-par. 439-i-et-seq.~~
 - D) The Illinois Dental Practice Act [225 ILCS 25] ~~1987~~ ~~Stat. 1987-ch. 111-par. 230i-et-seq.~~
 - E) The Election Code [10 ILCS 5] ~~1987~~ ~~ch. 111-par. 1-et-seq.~~
 - F) Freedom of Information Act [5 ILCS 140] ~~1987~~ ~~ch. 116-par. 301-et-seq.~~
 - G) General Not For Profit Corporation Act of 1986 [805 ILCS 105] ~~1987~~ ~~ch. 32-par. 101-01-et-seq.~~
 - H) Hospital Licensing Act [210 ILCS 85] ~~1987~~ ~~ch. 111-i/2-par. 142-et-seq.~~
 - I) Illinois Health Facilities Planning Act [20 ILCS 3906] ~~1987~~ ~~ch. 111-i/2-par. 1151-et-seq.~~
 - J) Article--17-Division-37- Illinois Municipal Code [65 ILCS 5] ~~1987~~ ~~ch. 111-par. 1-3-i-et-seq.~~
 - K) Life Care Facilities Act [210 ILCS 40] ~~1987~~ ~~ch. 111-i/2-par. 4160-i-et-seq.~~
 - L) Local Government and Governmental Employees Tort Immunity Act [745 ILCS 10] ~~1987~~ ~~ch. 85-par. 1-i-101-et-seq.~~
 - M) Medical Practice Act of 1987 [225 ILCS 60] ~~1987~~ ~~ch. 111-par. 4400-i-et-seq.~~
 - N) Mental Health and Developmental Disabilities Code [405 ILCS 5] ~~1987~~ ~~ch. 91-i/2-par. 1-i-100-et-seq.~~
 - O) The Illinois Nursing Act of 1987 [225 ILCS 65] ~~1987~~ ~~ch. 111-par. 3501-et-seq.~~
 - P) Nursing Home Administrators Licensing and Disciplinary Act [225 ILCS 70] ~~1987~~ ~~ch. 111-par. 3651-et-seq.~~
 - Q) Nursing Home Care Act [210 ILCS 45] ~~1987~~ ~~ch. 111-par. 451-i-101-et-seq.-as-amended-by-Public-Act 85-960-effective-December-97-i-1987-Public-Act--85-i-103~~

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- effective August 13, 1987, and Public Act 05-1378, effective September 17, 1988
- R) Illinois Occupational Therapy Practice Act [225 ILCS 75] §§ 1-1-1 Rev. Stat. 1987, ch. 111, par. 3701 et seq.
- S) Pharmacy Practice Act of 1987 [225 ILCS 85] §§ 1-1-1 Rev. Stat. 1987, ch. 111, par. 4121 et seq.
- T) Illinois Physical Therapy Act [225 ILCS 90] §§ 1-1-1 Rev. Stat. 1987, ch. 111, par. 4251 et seq.
- U) Private Sewage Disposal Licensing Act [225 ILCS 225] §§ 1-1-1 Rev. Stat. 1987, ch. 111, par. 1727 et seq.
- V) Probate Act of 1975 [755 ILCS 5] §§ 1-1-1 Rev. Stat. 1987, ch. 110, par. 1-1 et seq.
- W) §§ 1-1-1 Illinois Public Aid Code [305 ILCS 5] § 1-1-1 Rev. Stat. 1987, ch. 237, par. 1-1 et seq.
- X) Illinois Administrative Procedure Act [5 ILCS 100]
- Y) Clinical Psychologist Licensing Act [225 ILCS 15]
- Z) Dietetic and Nutrition Services Practice Act [225 ILCS 30]
- AA) Health Care Worker Background Check Act [225 ILCS 46]
- BB) Criminal Code of 1961 [720 ILCS 5]
- CC) Cannabis Control Act [720 ILCS 550]
- DD) Clinical Social Work and Social Work Practice Act [225 ILCS 20]
- EE) Living Will Act [755 ILCS 35]
- FF) Powers of Attorney for Health Care Law [775 ILCS 45]
- GG) Health Care Surrogate Act [755 ILCS 40]
- HH) Right of Conscience Act [745 ILCS 70]
- II) Abused and Neglected Long-Term Care Facility Residents Reporting Act [210 ILCS 30]
- JJ) Illinois Controlled Substances Act [720 ILCS 570]
- KK) Supportive Residences Licensing Act [210 ILCS 65]
- LL) Community Residential Alternatives Licensing Act [210 ILCS 140]
- MM) Community Living Facilities Licensing Act [210 ILCS 35]
- NN) Community-Integrated Living Arrangements Licensure and Certification Act [210 ILCS 135]
- OO) Counties Code [55 ILCS 5]
- 3,4) State of Illinois rules:
- A) § 1-1-1 Office of the State Fire Marshal, Fire Prevention and Safety § 1-1-1-1-1 Admin. Code 400
- A) § 1-1-1 Capital Development Board, Illinois Accessibility Code (71 Ill. Adm. Code 400)
- B) § 1-1-1 Department of Public Health
- i) § 1-1-1 Control of Communicable Diseases Code (77 Ill. Adm. Code 690)
- ii) § 1-1-1 Department of Public Health Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693)
- iii) § 1-1-1 Department of Public Health Food Service Sanitation Code (77 Ill. Adm. Code 750)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- iv) § 1-1-1 Department of Public Health Illinois Plumbing Code (77 Ill. Adm. Code 890)
- v) § 1-1-1 Department of Public Health Private Sewage Disposal Code (77 Ill. Adm. Code 905)
- vi) § 1-1-1 Department of Public Health Drinking Water Systems Code (77 Ill. Adm. Code 900)
- vii) § 1-1-1 Department of Public Health Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
- viii) § 1-1-1 Department of Public Health Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
- ix) § 1-1-1 Freedom of Information Code (2 Ill. Adm. Code 1126)
- x) § 1-1-1 Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
- xi) § 1-1-1 Sheltered Care Facilities Code (77 Ill. Adm. Code 330)
- xii) § 1-1-1 Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)
- xiii) § 1-1-1 Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)
- xiv) § 1-1-1 Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)
- C) § 1-1-1 Department of Professional Regulation, Controlled Substances Act (77 Ill. Adm. Code 3100)
- D) § 1-1-1 Department of Alcoholism and Substance Abuse, Alcoholism and Substance Abuse Treatment, Intervention and Research Programs (77 Ill. Adm. Code 2058)
- E) § 1-1-1 Department of Public Aid, Medical Payment Access-to-Cost Reports (89 Ill. Adm. Code 140-544)
- b) § 1-1-1 All incorporations by reference of federal regulations and the standards of nationally recognized organizations referred to in the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) § 1-1-1 All citations to federal regulations in this Part concern the specified regulation in the 1986 Code of Federal Regulations unless another date is specified.
- (Source: Amended at 22 Ill. Reg. _____, effective _____)
- SUBPART M: DESIGN AND CONSTRUCTION STANDARDS FOR NEW SHELTERED CARE FACILITIES
- Section 330.3040 Building Codes
- a) The design and construction of the facility shall meet the minimum requirements of the following codes and regulations Codes and Regulations except as modified within this Part: (77-87) Regulations
- 1) National Fire Protection Association (NFPA) 101 Association's National Fire Codes, including but not limited to:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- A) ~~the Life Safety Code--(A-B), 1997 Edition (New Health Care Occupancies) and all appropriate references under Chapter 33~~
 B) ~~the National Electric Code--(A-B)~~
 2) ~~Illinois Plumbing Code (77 Ill. Adm. Code 890), Department of Public Health--(A-B)~~
 3) ~~Fire-Prevention-and-Safety-(41-III-Adm-Code-100)-Office-of-the State-Fire-Marshal--(A-B)~~
 3.14) ~~Illinois Accessibility Code (71 Ill. Adm. Code 400), Capital Development Board--(A-B)~~
 4) ~~5) Food Service Sanitation (77 Ill. Adm. Code 750), Department of Public Health--(A-B)~~
 b) In addition to the codes and regulations ~~Codes-and-Regulations~~ listed in this Section, the design and construction of the facility shall meet the minimum requirements of all applicable local building codes and ordinances. ~~(A-B)~~

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART Q: RESIDENT'S RIGHTS

Section 330.4230 Restraints (Repealed)

- a) ~~Neither physical restraints nor confinements shall be employed for the purpose--of--punishment--or--for--the--convenience--of--any--facility personnel--No physical restraints or confinements shall be employed except--as--ordered--by--a--physician--who documents the need for such restraints--or--confinements--in--the--resident's--clinical--record--(Section-2-106-of-the-Act)-(B)~~
 b) ~~Restraints--and--confinements--may--be--employed--only--when--necessary--to prevent--a--resident--from--injuring--himself--or--others--The--physician's written--authorization--shall--specify--the--precise--time--periods--and conditions--in--which--any--restraints--and--confinements--shall--be--employed--(B)~~
 c) ~~No chemical--medication--or--tranquilizer--shall--be--employed--by--a facility--as--a--restraint--or--confinement--in--lieu--of--or--in--addition--to any--physical--restraint--or--confinement--Such--chemicals--medications--or tranquilizers--may--only--be--employed--as--part--of--a--duty--prescribed therapeutic--medical--treatment--program--authorized--by--the--resident's physician--and--documented--in--the--resident's--clinical--record--(B)~~
 d) ~~No resident--shall--be--subjected--to--any--behavior--modification--program which--utilizes--restraints--or--confinements--or--aversive--stimuli--of--any nature--unless--and--until--the--informed--consent--of--such--resident's resident's--guardian--or--parent--of--a--minor--resident--has--been--obtained--(B)~~

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Skilled Nursing and Intermediate Care Facilities Code
 2) Code Citation: 77 Ill. Adm. Code 300
 3) Section Numbers: 300.340 Proposed Action: Amendments
 300.2820 Amendments
 300.3230 Repealer
 4) Statutory Authority: Nursing Home Care Act [210 ILCS 45]
 5) A Complete Description of the Subjects and Issues Involved: The rules in Part 300 regulate the licensure of skilled nursing and intermediate care facilities under the Nursing Home Care Act.

Section 300.340 is being amended to update incorporated and referenced materials. Codes and standards are updated to more recent editions; addresses are corrected and added; format is clarified to distinguish between incorporated and referenced materials; statutory citations are changed from Illinois Revised Statutes to Illinois Compiled Statutes; rules and statutes cited elsewhere in this Part are added.

Section 300.2820 is being amended to incorporate, for new facilities, the 1997 edition of the National Fire Protection Association Life Safety Code. Other incorporated materials are updated and clarified, and the BOCA International Building Code (1996) is substituted for the Uniform Building Code (1982).

Section 300.3230 is being repealed. The Department has adopted new requirements on the use of restraints (see 20 Ill. Reg. 12208), effective September 10, 1996.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the notice in the *Illinois Register*.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? No

7) Does this Rulemaking Contain an Automatic Repeal Date? No

8) Does this Rulemaking Contain Any Incorporations By Reference? Yes

9) Are there any other Proposed Amendments Pending on this Part? Yes

Section Numbers	Proposed Action	Ill. Reg. Citation

DEPARTMENT OF PUBLIC HEALTH

NOTICE PROPOSED AMENDMENTS

- 300.315 New Section 21 Ill. Reg. 6786
 300.615 New Section 21 Ill. Reg. 1808
 300.661 Amendments 21 Ill. Reg. 3527
 300.663 Amendments 21 Ill. Reg. 3527
 300.670 Amendments 21 Ill. Reg. 6786
 300. Table D Amendments 21 Ill. Reg. 6786

10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking: Interested persons may present their comments concerning these rules by writing to:

Ms. Gail M. DeVito
 Division of Legal Services
 Illinois Department of Public Health
 535 West Jefferson, Fifth Floor
 Springfield, Illinois 62761
 Telephone: 217/782-2043
 E-Mail: rules@idph.state.il.us

within 45 days after this issue of the *Illinois Register*.

These rules may have an impact on small businesses. In accordance with Sections 1-75 and 5-30 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

A) Type of Small Businesses, Small Municipalities and Not-for-Profit Corporations Affected Long-term care facilities

B) Reporting, Bookkeeping or Other Procedures Required for Compliance:
 None

C) Types of Professional Skills Necessary for Compliance: Professional skills required for design and construction of a long-term care facility.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH
 CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
 SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 300

SKILLED NURSING AND INTERMEDIATE CARE FACILITIES CODE

SUBPART A: GENERAL PROVISIONS

Section	
300.110	General Requirements
300.120	Application for License
300.130	Licensee
300.140	Issuance of an Initial License for a New Facility
300.150	Issuance of an Initial License Due to a Change of Ownership
300.160	Issuance of a Renewal License
300.165	Criteria for Adverse License Actions
300.170	Denial of Initial License
300.175	Denial of Renewal of License
300.180	Revocation of License
300.190	Experimental Program Conflicting With Requirements
300.200	Inspections, Surveys, Evaluations and Consultation
300.210	Filing an Annual Attested Financial Statement
300.220	Information to Be Made Available to the Public By the Department
300.230	Information to Be Made Available to the Public By the Licensee
300.240	Municipal Licensing
300.250	Ownership Disclosure
300.260	Issuance of Conditional Licenses
300.270	Monitor and Receivership
300.271	Presentation of Findings
300.272	Determination to Issue a Notice of Violation or Administrative Warning
300.274	Determination of the Level of a Violation
300.276	Notice of Violation
300.277	Administrative Warning
300.278	Plans of Correction
300.280	Reports of Correction
300.282	Conditions for Assessment of Penalties
300.284	Calculation of Penalties
300.286	Determination to Assess Penalties
300.288	Reduction or Waiver of Penalties
300.290	Quarterly List of Violators
300.300	Alcoholism Treatment Programs In Long-Term Care Facilities
300.310	Department May Survey Facilities Formerly Licensed
300.320	Waivers
300.330	Definitions
300.340	Incorporated and Referenced Materials

DEPARTMENT OF PUBLIC HEALTH

NOTICE PROPOSED AMENDMENTS

SUBPART B: ADMINISTRATION

Section
300.510

Administrator

SUBPART C: POLICIES

Section

300.610 Resident Care Policies
300.615 Determination of Need Screening
300.620 Admission and Discharge Policies
300.630 Contract Between Resident and Facility
300.640 Residents' Advisory Council
300.650 Personnel Policies
300.655 Initial Health Evaluation for Employees
300.660 Nursing Assistants
300.661 Health Care Worker Background Check
300.663 Registry of Certified Nurse Aides
300.665 Student Interns
300.670 Disaster Preparedness
300.680 Restraints
300.682 Nonemergency Use of Physical Restraints
300.684 Emergency Use of Physical Restraints
300.686 Unnecessary, Psychotropic, and Antipsychotic Drugs
300.690 Serious Incidents and Accidents

SUBPART D: PERSONNEL

Section

300.810 General
300.820 Categories of Personnel
300.830 Consultation Services
300.840 Personnel Policies

SUBPART E: MEDICAL AND DENTAL CARE OF RESIDENTS

Section

300.1010 Medical Care Policies
300.1020 Communicable Disease Policies
300.1025 Tuberculin Skin Test Procedures
300.1030 Medical Emergencies
300.1035 Life-Sustaining Treatments
300.1040 Behavior Emergencies (Repealed)
300.1050 Dental Standards

SUBPART F: NURSING AND PERSONAL CARE

Section

DEPARTMENT OF PUBLIC HEALTH

NOTICE PROPOSED AMENDMENTS

300.1210 General Requirements for Nursing and Personal Care
300.1220 Supervision of Nursing Services
300.1230 Staffing
300.1240 Additional Requirements

SUBPART G: RESIDENT CARE SERVICES

Section

300.1410 Activity Program
300.1420 Specialized Rehabilitation Services
300.1430 Work Programs

SUBPART H: MEDICATIONS

Section

300.1610 Medication Policies and Procedures
300.1620 Conformance With Physician's Orders
300.1630 Administration of Medication
300.1640 Labeling and Storage of Medications
300.1650 Control of Medications

SUBPART I: RESIDENT AND FACILITY RECORDS

Section

300.1810 Resident Record Requirements
300.1820 Content of Medical Records
300.1830 Records Pertaining to Residents' Property
300.1840 Retention and Transfer of Resident Records
300.1850 Other Resident Record Requirements
300.1860 Staff Responsibility for Medical Records
300.1870 Retention of Facility Records
300.1880 Other Facility Record Requirements

SUBPART J: FOOD SERVICE

Section

300.2010 Director of Food Services
300.2020 Dietary Staff in Addition to Director of Food Services
300.2030 Hygiene of Dietary Staff
300.2040 Diet Orders
300.2050 Adequacy of Diet and Meal Pattern
300.2060 Therapeutic Diets
300.2070 Scheduling Meals
300.2080 Menu Planning
300.2090 Food Preparation and Service
300.2100 Food Handling Sanitation
300.2110 Kitchen Equipment, Utensils, and Supplies

DEPARTMENT OF PUBLIC HEALTH

NOTICE PROPOSED AMENDMENTS

SUBPART K: MAINTENANCE, HOUSEKEEPING, AND LAUNDRY

Section
300.2210
300.2220
300.2230

Maintenance
Housekeeping
Laundry Services

SUBPART L: FURNISHINGS, EQUIPMENT, AND SUPPLIES

Section
300.2410
300.2420
300.2430

Furnishings
Equipment and Supplies
Sterilization of Equipment and Supplies

SUBPART M: WATER SUPPLY AND SEWAGE DISPOSAL

Section
300.2610
300.2620
300.2630
300.2640

Codes
Water Supply
Sewage Disposal
Plumbing

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section
300.2810
300.2820
300.2830
300.2840

Applicability of These Standards
Codes and Standards
Preparation of Drawings and Specifications
Site

Administration and Public Areas
Nursing Unit
Dining, Living, Activities Rooms
Therapy and Personal Care
Service Departments
General Building Requirements
Structural
Mechanical Systems
Plumbing Systems
Electrical Systems

SUBPART O: DESIGN AND CONSTRUCTION STANDARDS
FOR EXISTING INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section
300.3010
300.3020
300.3030

Applicability
Codes and Standards
Preparation of Drawings and Specifications

DEPARTMENT OF PUBLIC HEALTH

NOTICE PROPOSED AMENDMENTS

300.3040 Site
300.3050 Administration and Public Areas
300.3060 Nursing Unit
300.3070 Living, Dining, Activities Rooms
300.3080 Treatment and Personal Care
300.3090 Service Departments
300.3100 General Building Requirements
300.3110 Structural
300.3120 Mechanical Systems
300.3130 Plumbing Systems
300.3140 Electrical Requirements

SUBPART P: RESIDENT'S RIGHTS

Section
300.3210 General
300.3220 Medical and Personal Care Program
300.3230 Restraints (Repealed)
300.3240 Abuse and Neglect
300.3250 Communication and Visitation
300.3260 Resident's Funds
300.3270 Residents' Advisory Council
300.3280 Contract With Facility
300.3290 Private Right of Action
300.3300 Transfer or Discharge
300.3310 Complaint Procedures
300.3320 Confidentiality
300.3330 Facility Implementation

SUBPART Q: SPECIALIZED LIVING FACILITIES FOR THE MENTALLY ILL

Section
300.3410 Application of Other Divisions of These Minimum Standards
300.3420 Administrator
300.3430 Policies
300.3440 Personnel
300.3450 Resident Living Services Medical and Dental Care
300.3460 Resident Services Program
300.3470 Psychological Services
300.3480 Social Services
300.3490 Recreational and Activities Services
300.3500 Individual Treatment Plan
300.3510 Health Services
300.3520 Medical Services
300.3530 Dental Services
300.3540 Optometric Services
300.3550 Audiometric Services
300.3560 Podiatric Services

DEPARTMENT OF PUBLIC HEALTH

NOTICE PROPOSED AMENDMENTS

300.3570 Occupational Therapy Services
 300.3580 Nursing and Personal Care
 300.3590 Resident Care Services
 300.3600 Record Keeping
 300.3610 Food Service
 300.3620 Furnishings, Equipment and Supplies (New and Existing Facilities)
 300.3630 Design and Construction Standards (New and Existing Facilities)

SUBPART R: DAYCARE PROGRAMS

Section
 300.3710 Day Care in Long-Term Care Facilities

APPENDIX A Interpretation, Components, and Illustrative Services for Intermediate Care Facilities and Skilled Nursing Facilities
 APPENDIX B Classification of Distinct Part of a Facility for Different Levels of Service (Repealed)

APPENDIX C Federal Requirements Regarding Patients'/Residents' Rights
 APPENDIX D Forms for Day Care in Long-Term Care Facilities
 APPENDIX E Criteria for Activity Directors Who Need Only Minimal Consultation

APPENDIX F Guidelines for the Use of Various Drugs
 TABLE A Sound Transmission Limitations in New Skilled Nursing and Intermediate Care Facilities

TABLE B Pressure Relationships and Ventilation Rates of Certain Areas for New Intermediate Care Facilities and Skilled Nursing Facilities
 TABLE C Construction Types and Sprinkler Requirements for Existing Skilled Nursing Facilities/Intermediate Care Facilities

TABLE D Disaster Preparedness Parameters - Relative Humidity and Temperature

AUTHORITY: Implementing and authorized by the Nursing Home Care Act [210 ILCS 45].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 10, p. 1066, effective March 1, 1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 30, p. 311, effective July 28, 1980; emergency amendment at 6 Ill. Reg. 3229, effective March 8, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 5981, effective May 3, 1982; amended at 6 Ill. Reg. 6454, effective May 14, 1982; amended at 6 Ill. Reg. 8198, effective June 29, 1982; amended at 6 Ill. Reg. 11631, effective September 14, 1982; amended at 6 Ill. Reg. 14550 and 14554, effective November 8, 1982; amended at 6 Ill. Reg. 14684, effective November 15, 1982; amended at 7 Ill. Reg. 285, effective December 22, 1982; amended at 7 Ill. Reg. 1972, effective January 28, 1983; amended at 7 Ill. Reg. 8579, effective July 11, 1983; amended at 7 Ill. Reg. 15831, effective November 10, 1983; amended at 7 Ill. Reg. 15864, effective November 15, 1983; amended at 7 Ill. Reg. 16992, effective December 14, 1983; amended at 8 Ill. Reg. 15599, 15603, and 15606, effective August 15, 1984; amended at 8 Ill. Reg. 15947, effective August 17,

DEPARTMENT OF PUBLIC HEALTH

NOTICE PROPOSED AMENDMENTS

1984; amended at 8 Ill. Reg. 16999, effective September 5, 1984; codified at 8 Ill. Reg. 19766; amended at 8 Ill. Reg. 24186, effective November 29, 1984; amended at 8 Ill. Reg. 24668, effective December 7, 1984; amended at 8 Ill. Reg. 25102, effective December 14, 1984; amended at 9 Ill. Reg. 132, effective December 26, 1984; amended at 9 Ill. Reg. 4087, effective March 15, 1985; amended at 9 Ill. Reg. 11049, effective July 1, 1985; amended at 11 Ill. Reg. 1927, effective October 1, 1987; amended at 12 Ill. Reg. 1052, effective December 24, 1987; amended at 12 Ill. Reg. 16811, effective October 1, 1988; emergency amendment at 12 Ill. Reg. 18477, effective October 24, 1988, for a maximum of 150 days; emergency expired March 23, 1989; amended at 13 Ill. Reg. 4684, effective March 24, 1989; amended at 13 Ill. Reg. 5134, effective April 1, 1989; amended at 13 Ill. Reg. 20089, effective December 1, 1989; amended at 14 Ill. Reg. 14950, effective October 1, 1990; amended at 15 Ill. Reg. 554, effective January 1, 1991; amended at 16 Ill. Reg. 681, effective January 1, 1992; amended at 16 Ill. Reg. 5977, effective March 27, 1992; amended at 16 Ill. Reg. 17089, effective November 3, 1992; emergency amendment at 17 Ill. Reg. 2420, effective February 3, 1993, for a maximum of 150 days; emergency expired on July 3, 1993; emergency amendment at 17 Ill. Reg. 8026, effective May 6, 1993, for a maximum of 150 days; emergency expired on October 3, 1993; amended at 17 Ill. Reg. 15106, effective September 3, 1993; amended at 17 Ill. Reg. 16194, effective January 1, 1994; amended at 17 Ill. Reg. 19279, effective October 26, 1993; amended at 17 Ill. Reg. 19604, effective November 4, 1993; amended at 17 Ill. Reg. 21058, effective November 20, 1993; amended at 18 Ill. Reg. 1491, effective January 14, 1994; amended at 18 Ill. Reg. 15868, effective October 15, 1994; amended at 19 Ill. Reg. 11600, effective July 29, 1995; emergency amendment at 20 Ill. Reg. 567, effective January 1, 1996, for a maximum of 150 days; emergency expired May 29, 1996; amended at 20 Ill. Reg. 10142, effective July 15, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 20 Ill. Reg. 12208, effective September 10, 1996; amended at 21 Ill. Reg. 15000, effective November 15, 1997; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 300.340 Incorporated and Referenced Materials

a) The following regulations and 7 standards--and--statutes are incorporated or--referenced in this Part:

- 1) Private and professional association standards:
 - A) American Dietetic Association, Minimum Academic Requirements for American Dietetic Association Membership (1980), which may be obtained from the American Dietetic Association, 430 North Michigan Avenue, Chicago, Illinois 60611.
 - B) American National Standards Institute-----Standard A17-i-84;---Safety---Code-for-Elevators-and-Escalators---(1985), which may be obtained from the American Society of Mechanical Engineers, United Engineering Center, 325 East 47th Street, New York, New York 10017.

DEPARTMENT OF PUBLIC HEALTH

NOTICE PROPOSED AMENDMENTS

- C) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), Handbook of Fundamentals (1977), which may be obtained from the National Association of American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., 1791 Tullie Circle, N.E., Atlanta, Georgia 30329. 7-United-Engineering-Center-345-East-47th-Street-New-York-New-York-10017-
- D) The-following-standards-of-the-American-Society-for-Testing-and-Materials-(ASTM)-
1) Standard-No--E-84-1977A--Method-of-Test-for-Surface-Burning-Characteristics-of-Building-Materials-
2) Standard No. E90-1975: Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions- , which may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.
- E) BOCA International Building Code (1996), which may be obtained from Building Officials and Code Administrators International, Inc., 4051 Flossmoor Road, Country Club Hills, Illinois 60478-5795. International-Conference-of-Building-Officials-Uniform-Building-Code-(1976-and-1982)-National-Fire-Protection-Association-(NFPA) Standard No. 101: Life Safety Code, Chapter 33 (1997), Appendix-B-(1981)-and-the-following-additional-standards, which may be obtained from National Fire Protection Association, 1 Batterymarch Battery Park, Quincy, Massachusetts, 02269.
- F) 1) No-10-(1978)--Standards-for-Portable-Fire-Fighters
2) No-13-(1980)--Standards-for-the-Installation-of-Sprinkler-Systems
3) No--568-(1977)--Standards-for-Non-Flammable-Medical-Gas-Systems
4) No-70-(1981)--National-Electric-Code
5) No--90A-(1978)--Institution-of-Air--Conditioning--and-Ventilating-Systems
6) No--96-(1980)--Standard--for--the--Installation--of-Equipment--for--the--Removal--of-Smoke--and-Grease--laden-Vapors--from-Commercial-Cooking-Equipment-
amended-at- No--220-(1979)--Standards--types--of--Building-Construction
7) No--253-(1978)--Flooring-Radiant-Heat-Energy-Test
8) No--255-(1972)--Test--of--Surface--Burning-Characteristics-of-Building-Materials
- G) Compressed-Gas-Association--Pamphlet--P-21--Standard--for-Medical-Surgical-Vacuum-Systems-in-Hospitals-(1976)-
9) Underwriters' Laboratories Laboratory, Inc. (UL), which may be obtained from Underwriters Laboratories, Inc., 333 Pfingsten Rd., Northbrook, Illinois 60062:
1) Fire Resistive Resistance Index (all editions), and

DEPARTMENT OF PUBLIC HEALTH

NOTICE PROPOSED AMENDMENTS

- ii) Building Material Directory (all editions). 7-And-Standard-No-101-(1974)--Factory-Made-Air-Duct-Materials-and-Air-Duct-Connectors-
H) American Medical Record Association, Requirements for Medical Record Practitioners (1985), which may be obtained from the American Medical Record Association, John Hancock Center, Suite 1850, 875 North Michigan, Chicago, Illinois 60611.
I) Commission on Rehabilitation Counselor Certification, Requirements for Rehabilitation Counselor Certification (1986), which may be obtained from the Commission on Rehabilitation Counselor Certification, 1156 Shore Drive, Room 350, Arlington Heights, Illinois 60004.
J) National Council for Therapeutic Recreation Certification, Requirements for Therapeutic Recreation Certification (1985), which may be obtained from the National Council for Therapeutic Recreation Certification, P.O. Box 16126, Alexandria, Virginia 22302.
- 2) Federal-statutes-and-regulations-
A) Civil-Rights-Act-of-1964-(42-U-S-C--2000e-et-seq-)
B) Social-Security-Act-(42-U-S-C--901-et-seq-)
- 2) Federal government publications-
C) United States H-S- Public Health Service, Guidelines for the Prevention and Control of Nosocomial Infections, which includes the following guidelines and may be obtained from the Center for Infectious Diseases, Centers for Disease Control, United States H-S- Public Health Service, Department of Health and Human Services, Atlanta, Georgia 30333.
A) Guideline for Prevention of Catheter-Associated Urinary Tract Infections (October 1981).
B) Guideline for Handwashing and Hospital Environmental Control (1985).
C) Guideline for Prevention of Intravascular Infections (October 1981).
D) Guideline for Prevention of Surgical Wound Infections (March 1982; Revised 1985).
E) Guideline for Prevention of Nosocomial Pneumonia (July 1982).
F) Guideline for Isolation in Hospitals (July 1983).
G) Guideline for Infection Control in Hospital Personnel (July 1983).
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) The following statutes and State regulations are referenced in this Part:

DEPARTMENT OF PUBLIC HEALTH

NOTICE PROPOSED AMENDMENTS

- iii) ~~Department of Public Health~~ Food Service Sanitation (77 Ill. Adm. Code 750)
- iv) ~~Department of Public Health~~ Illinois Plumbing Code (77 Ill. Adm. Code 890)
- v) ~~Department of Public Health~~ Private Sewage Disposal Code (77 Ill. Adm. Code 905)
- vi) ~~Department of Public Health~~ Drinking Water Systems (77 Ill. Adm. Code 900)
- vii) ~~Department of Public Health~~ Illinois Water Well Construction Code (77 Ill. Adm. Code 920)
- viii) ~~Department of Public Health~~ Illinois Water Well Pump Installation Code (77 Ill. Adm. Code 925)
- ix) Freedom of Information Code (2 Ill. Adm. Code 1126)
- x) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100)
- xi) ~~Sheltered Care Facilities Code (77 Ill. Adm. Code 330)~~
- xii) ~~Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill. Adm. Code 350)~~
- xiii) ~~Long-Term Care for Under Age 22 Facilities Code (77 Ill. Adm. Code 390)~~
- xiv) ~~Long-Term Care Assistants and Aides Training Programs Code (77 Ill. Adm. Code 395)~~
- D) ~~Department of Professional Regulation, Controlled Substance Act (77 Ill. Adm. Code 3100)~~
- E) ~~Department of Alcoholism and Substance Abuse, Alcoholism and Substance Abuse Treatment, Intervention and Research Programs (77 Ill. Adm. Code 2058)~~
- F) ~~Department of Public Aid, Access to Cost Reports (89 Ill. Adm. Code 140.544)~~
- G) ~~Department of Transportation, Regulation of Construction within Flood Plains (92 Ill. Adm. Code 706)~~
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) All citations to federal regulations in this Part concern the specified regulation in the 1986 Code of Federal Regulations, unless another date is specified.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART N: DESIGN AND CONSTRUCTION STANDARDS
FOR NEW INTERMEDIATE CARE AND SKILLED NURSING FACILITIES

Section 300.2820 Codes and Standards

DEPARTMENT OF PUBLIC HEALTH

NOTICE PROPOSED AMENDMENTS

- a) Each facility shall comply with the applicable provisions of the following codes and standards. Any incorporation by reference in this Section of federal rules or regulations of any agency of the United States or of any standards of a nationally recognized organization or association refers to the regulations and standards on the date specified and does not include any additions or deletions subsequent to includes no new amendments or editions made after the date specified. (77 Ill. Adm. Code 890)
- 1) State of Illinois Rule
- A) Illinois Plumbing Code (77 Ill. Adm. Code 890) Department of Public Health
- B) Illinois Accessibility Code (71 Ill. Adm. Code 400), Capital Development Board
- C) ~~Fire Prevention and Safety (41 Ill. Adm. Code 100) Office of the State Fire Marshal~~
- D) ~~Food Service Sanitation Code (77 Ill. Adm. Code 750) Department of Public Health~~
- E) ~~Boiler and Pressure Vessel Safety Code (41 Ill. Adm. Code 120), Office of the State Fire Marshal~~
- 2) Other Codes and Standards
- A) National Fire Protection Association
- i) NFPA Standard No. 101: Life Safety Code, 1997 Edition (New Health Care Occupancies) and all appropriate references under Chapter 33 Appendix A, including but not limited to:
- ii) NFPA 10-1978 Standard for Portable Extinguishers
- iii) NFPA 13-1980 Standards for the Installation of Sprinkler Systems
- iv) NFPA 56P-1977 Standard for Non-Flammable Medical Gas Systems
- v) NFPA 70-1981 National Electric Code
- vi) NFPA 90A-1970 Standard for the Installation of Air Conditioning and Ventilating Systems
- amended at NFPA-96-1980 Standard for the Installation of Equipment for the Removal of Smoke and Grease from Vapors from Commercial Cooking Equipment
- viii) NFPA 220-1979 Standard Types of Building Construction
- ix) NFPA 253-1970 Flooring Radiant Heat Energy Test
- x) NFPA 255-1972 Test of Surface Burning Characteristics of Building Materials
- B) Underwriters' Laboratories Laboratory, Inc. (UL):
- i) Fire Resistance Index (All Editions)
- ii) Building Material Directory (All Editions)
- iii) Standard No. 181-1974 Factory-Made Air-Burst Materials and Air-Burst Connectors
- C) American Society for Testing and Materials (ASTM):
- i) Standard No. E-84-1977A Method of Test for Surface

DEPARTMENT OF PUBLIC HEALTH

NOTICE PROPOSED AMENDMENTS

Burning-Characteristics-of-Building-Materials-(Same-as NFPA-255) 117 Standard No. E90-1975 Recommended Practice for Laboratory Measurement of Airborne Sound Transmission Loss of Building Partitions

- D) American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE):

- i) Handbook of Fundamentals, 1997 1977
ii) Methods-of-Testing-Air-Cleaning-Devices-Used-in General-Ventilation-for-Removing-Particulate-Matters

- E) BOCA International Building Code (1996) Uniform-Building Code-(1982-Edition)-International-Conference-of-Building Officials

- F) American National Standards Institute (ANSI):

- i) Standard No. A17.1-1971, Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped,--American--National Standards-Institute

- ii) Standard No. A17.1-1995 1971, National Safety Code for Elevators, and Bombweaters Escalators,--and--Moving--Stairs, American-National-Standards-Institute

- H) Pamphlet--P-2-i-1976--Standard-for-Medical/Surgical-Vacuum Systems-in-Hospitals--Compressed-Gas-Association

- G) U.S. Department of Housing and Urban Development, HUD FT-TS-24, A Guide to Air Borne, Impact Impact and Structure Borne Noise Control in Multi-Family Dwellings Superintendent of Documents--U.S.-Government-Printing-Office

- b) In addition to compliance with the standards set forth in this Section, all building codes, ordinances and regulations that which are enforced by city, county City,--County or other local jurisdictions in which the facility is, or will be, located must be observed. (ArB)

- c) Where no local building code exists, the recommendations of the 1976 Edition of the BOCA International Uniform Building Code shall apply.

- d) The local building code or the recommendations of the 1996 1982 Edition of the BOCA International Uniform Building Code shall apply insofar as such recommendations are not in conflict with the standards set forth in these regulations, or with the National Fire Protection Association Standard Code 101.7 Life Safety Code, 1981.

- e) The--Fire-Safety-Evaluation-System-for-Health-Occupancies-(Appendix-C) of-the-1981-edition-of-the-Life-Safety-Code-(NFPA-101)-shall-be-used by-the-Department--in--determining--whether--any-facility's-proposed equivalent-system-is-safe-and-does-not-constitute-a-hazard-to-the-life and-safety-of-the-staff-and-residents--in-making-its--determination regarding--the-proposed-equivalent-system--the-Department--shall consider-those-factors-listed-in-Appendix-G.

DEPARTMENT OF PUBLIC HEALTH

NOTICE PROPOSED AMENDMENTS

e) Pursuant to the Medicare-Medicaid certification requirements of 42 CFR 405.1134 (a) (1983) and 42 CFR 442.321(c) (1983), any skilled nursing facility that on December 4, 1980, or on November 26, 1982, or any intermediate care facility that on November 26, 1982, complied with the requirements of the 1967 or 1973 edition of the Life Safety Code will be considered to be in compliance with Section 300.2820 (a)(2)(A)(i), as long as the facility continues to remain in compliance with that edition of the Code.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART P: RESIDENT'S RIGHTS

Section 300.3230 Restraints (Repealed)

- a) Neither physical restraints nor confinements shall be employed for the purpose of--punishment--or--for--the--convenience--of--any--facility personnel--No physical restraints or confinements shall be employed except--as--ordered--by--a--physician--who--documents--the--need--for--such restraints--or--confinements--in--the--resident's--clinical--record--(b) (Section 2-106-of-the-Act)

- b) Restraints--and--confinements--may--be--employed--only--when--necessary--to prevent--a--resident--from--injuring--himself--or--others--The physician's written--authorization--shall--specify--the--precise--time--periods--and conditions--in--which--any--restraints--and--confinements--shall--be--employed--(b)

- c) No chemical,--medication--or--tranquilizer--shall--be--employed--by--a facility--as--a--restraint--or--confinement--in--lieu--of--or--in--addition--to any--physical--restraint--or--confinement--Such chemicals, medications or tranquilizers may only be employed as part of a duty prescribed therapeutic--medical--treatment--program--authorized--by--the--resident's physician--and--documented--in--the--resident's--clinical--record--(b)

- d) No resident shall be subjected to any behavior modification program which utilizes restraints, confinements, or aversive stimuli of any nature unless--and--until--the--informed--consent--of--such--resident resident's--guardian--or--parent--of--a--minor--resident--has--been--obtained--(b)

(Source: Repealed at 22 Ill. Reg. _____, effective _____)

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Jockeys, Apprentices, Jockey Agents, and Valets
- 2) Code Citation: 11 Ill. Adm. Code 1411
- 3) Section Numbers: Proposed Action:
1411.140 Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking changes the weight allowances for apprentice jockeys. This amendment also reorganizes the requirements for apprentice jockeys.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:
Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, Illinois 60601
(312) 814-5070
- 12) Initial Regulatory Flexibility Analysis:
 - A) Types of small business affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking is a result of a request from the Jockey Guild, was not anticipated by the Board; and therefore did not appear in a regulatory agenda.

The full text of the Proposed Amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
 SUBTITLE B: HORSE RACING
 CHAPTER I: ILLINOIS RACING BOARD
 SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
 (THOROUGHBRED)

PART 1411

JOCKEYS, APPRENTICES, JOCKEY AGENTS, AND VALETS

Section	
1411.05	Colors Worn by Riders
1411.10	Jockey Fees (Repealed)
1411.20	Paying Fines
1411.30	Jockey Ownership of Horse
1411.40	Under Suspension
1411.50	Betting By Jockey
1411.60	Record of Jockey Betting
1411.65	Interrogation by Stewards
1411.70	Racing Against Employer's Starter
1411.72	Spouses Riding Against Each Other (Repealed)
1411.75	Owner or Trainer As Spouse
1411.78	Racing Against Agent's Horse
1411.80	Priority of Retainers
1411.90	Conflicting Claims on Jockeys
1411.100	Whips, Length and Kind
1411.110	Illegal Whipping
1411.120	Leaving Operating Track
1411.130	Jockey Rules Apply to Apprentices
1411.140	Apprentice Rule
1411.150	Change of Agent
1411.160	Rough or Careless Riding
1411.170	Yearly Examination
1411.180	Examination Because of Illness
1411.190	Jockey's Valet
1411.195	Valet's Fees (Repealed)
1411.200	Record of Jockey Engagements by Agent
1411.210	Falsifying Engagement Records
1411.220	Agent Barred from Paddock and Track
1411.230	Engagements Made Through Agent
1411.240	Safety Equipment
1411.250	Designated Races

AUTHORITY: Authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b)].

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); codified at 5 Ill. Reg. 10977; amended at 7 Ill. Reg. 1423, effective January 24, 1983; amended at 17 Ill. Reg. 12426, effective July

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

15, 1993; amended at 17 Ill. Reg. 21852, effective December 3, 1993; amended at 18 Ill. Reg. 2092, effective January 21, 1994; amended at 19 Ill. Reg. 12687, effective September 1, 1995; amended at 21 Ill. Reg. 3226, effective March 4, 1997; amended at 22 Ill. Reg. _____, effective _____.

Section 1411.140 Apprentice Rule

- a) An applicant for an apprentice jockey license shall:
- 1) be at least 16 years old;
 - 2) not have been previously licensed as a jockey;
 - 3) be found physically able to ride in competitive horse races by a licensed physician designated by the stewards;
 - 4) have served with a racing stable in some licensed capacity for at least one year;
 - 5) or have an apprentice certificate issued by another racing jurisdiction or a valid contract with a trainer or owner to serve as an apprentice jockey for at least three and no more than five years;
- A) All owners or trainers with an apprentice jockey under contract shall be subject to investigation as to character, ability, facilities, and financial responsibility; and shall at the time of entering into the contract, be the legal owner or trainer of at least three horses eligible to race.
- B) Contracts for apprentice jockeys shall provide for fair remuneration, adequate medical attention and suitable board and lodging for the apprentice.
- C) All apprentice contracts described in this Part shall be filed with the Board within 30 days after execution thereof or upon filing application for license, whichever occurs first.
- D) Any amendments to the contract must be in writing, signed by each of the parties, with copies delivered to each of the parties and to the Board.
- E) Any owner or trainer who fails to file such contract with and obtain approval of the Board may be subject to disciplinary action by the Board.
- F) The Board, in its discretion, may issue an apprentice certificate indicating each winner ridden, in the event an apprentice contract is terminated.
- G) The stewards, in their discretion, may permit an apprentice jockey who has been issued a certificate, to contract with a licensed owner or trainer for the remainder of a terminated contract.
- b) An apprentice jockey may claim the following weight allowances in all overnight races except stakes and handicaps:
- 1) Ten pound allowance beginning with the first mount and continuing until the apprentice has ridden five winners.
 - 2) A seven pound allowance until the apprentice has ridden an

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 3) If an apprentice has ridden a total of 40 winners prior to the end of a period of one year from the date of riding his/her fifth winner, he/she shall have an allowance of five pounds until one year from the date of the fifth winning mount.
 - 4) If after one year from the date of the fifth winning mount, the apprentice jockey has not ridden 40 winners, the applicable weight allowances shall continue for one more year from the date of the fifth winning mount, or until the 40th winner, whichever comes first. In no event shall a weight allowance be claimed for more than two years from the date of the fifth winning mount, unless an extension has been granted pursuant to subsection (e) of this Section.
 - 5) A contracted apprentice may claim an allowance of three pounds for an additional one year when riding horses owned or training by the original contract employer.
- c) The stewards may extend the weight allowance of an apprentice jockey when, in their discretion, an apprentice jockey is unable to continue riding due to:
- 1) Physical disablement or illness,
 - 2) Military service,
 - 3) Attendance in an institution of secondary or higher education,
 - 4) Restriction on racing, or
 - 5) Other valid reasons.
- d) An apprentice jockey may qualify for an extension, if he/she has been unable to ride for a period of not less than seven consecutive days during the period in which the apprentice was entitled to an apprentice weight allowance. Under exceptional circumstances, total days lost collectively will be given consideration.
- e) The stewards may grant an extension to an eligible apprentice, only after the apprentice has produced, on the approved form, documentation verifying time lost was a result of a qualifying event as defined in subsection (d) of this Section.
- f) An apprentice may petition one of the racing jurisdictions in which he/she is licensed and riding for an extension of time for claiming apprentice weight allowances, and the apprentice shall be bound by the decision of the jurisdiction so petitioned.
- Any person age 16 or older who has never previously been licensed as a jockey in any country and, (1) after at least one year service with a racing stable, and (2) has of his own free will, and, if under age, with the written consent of his parents or guardian, bound himself to an owner or trainer for a period of four years by written contract approved and filed with the Illinois Racing Board or has received an apprentice certificate as provided in subsection j below, may then ride in competitive races and claim in all overnight races except handicaps, the following allowances:
- a) Five pounds until he has ridden 40 winners; if he has ridden 40 winners prior to the end of one year from date of riding his fifth

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- winner-five pounds allowance continues until the end of that year:
 b) After completion of the conditions above, for one year he may claim three pounds when riding horses owned or trained by his original contract employer provided his contract has not been permanently transferred or sold since he rode his first winner. The holder of the contract at the time the rider rides his first winner shall be considered the original contract employer.
 c) All holders of apprentice contracts shall be subject to investigations as to character, ability, facilities, and financial responsibility, and shall, at the time of making the contract, own in good faith a minimum of three horses in training or, if a trainer, shall operate in good faith a stable of at least three horses.
 d) Contracts for apprentice jockeys shall provide for fair remuneration, adequate medical attention, and suitable board and lodging for the apprentice.
 e) Under exceptional circumstances, such as the inability of an apprentice to ride because of war service or restrictions on racing personal injuries or not having a full three year period from date of riding his first race to complete his weight allowance, the stewards may extend the periods provided for above in order to qualify for an extension of his apprentice allowance; an apprentice rider must have been rendered unable to ride for a period of not less than 14 consecutive days during the period in which he was entitled to an apprentice allowance.
 f) No apprentice shall be permitted to acquire his own contract while he still enjoys weight allowances.
 g) All apprentice contracts described in this rule shall be filed with the Board within 30 days after execution thereof or upon filing application for license, whichever date is earlier.
 h) The original apprentice jockey contract shall be kept in full force and effect throughout its contract period. Any and all amendments to said contract must be made a part of and either added to or attached to the copies in the possession of the parties and a like copy of said amendments sent to the Board where the original contract is filed.
 i) The failure of an owner or trainer to file any such contract or to obtain the approval of the Board therefor may subject such owner or trainer to the revocation or suspension of his license or to such other disciplinary action by the Board as in its judgment may seem proper.
 j) Apprentice Certificate in place of the traditional apprentice contract referred to above, the stewards in their discretion may permit an apprentice jockey to ride in competitive races if such apprentice jockey holds a valid apprentice certificate issued by the Illinois Racing Board or any other racing jurisdiction. Such apprentice certificate shall grant to an apprentice all allowances and conditions granted to an apprentice under contract as provided in this rule.

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures of the Department of State Police Merit Board
- 2) Code Citation: 80 Ill. Adm. Code 150
- 3) Section Numbers: Proposed Action:
150.210 Amendment
- 4) Statutory Authority: 20 ILCS 2610/9
- 5) A Complete Description of the Subjects and Issues Involved:

Section 150.210 - This rulemaking change will establish the year 2000 as the target date to increase the education standard to a Bachelor's Degree or Associate's Degree with police experience.

- 6) Will these proposed amendments replace any Emergency Amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days after this issue of the *Illinois Register* to:

Mr. James E. Seiber, Executive Director
Department of State Police Merit Board
3180 Adloff Lane, Suite 100
Springfield, IL 62703
217/786-6240

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: It was not

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENTS

anticipated at the time of the two most recent regulatory agendas.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE A: MERIT EMPLOYMENT SYSTEMS

CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

PART 150

PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

SUBPART A: DEFINITIONS

Section
150.10 Definitions

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section
150.210 Qualifications
150.220 Selection Procedures
150.230 Recertification
150.240 Probationary Period

SUBPART C: CLASSIFICATION OF RANKS

Section
150.310 Ranks
150.320 Interdivisional Transfers

SUBPART D: CERTIFICATION FOR PROMOTION

Section
150.410 Board Responsibilities
150.420 Eligibility
150.430 Procedures
150.440 Promotion Probationary Period (Repealed)

SUBPART E: DISCIPLINARY ACTION

Section
150.510 Merit Board Jurisdiction
150.520 Discipline Afforded the Deputy Director
150.530 Notification to Suspended Officer
150.540 Petition for Review
150.550 Form and Content of Petition for Review
150.560 Filing Procedures
150.565 Procedure for Processing Petition for Review
150.570 Director's Review
150.575 Discipline Afforded the Director
150.580 Complaint Procedures
150.585 Scheduling the Hearing

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENTS

150.590 Notification to Officer

SUBPART F: HEARINGS

Section
150.610 Board Docket
150.620 Hearing Officer
150.630 Pre-hearing Conferences
150.640 Motions
150.650 Subpoenas
150.655 Request for Witnesses or Documents
150.660 Evidence Depositions
150.665 Hearing Procedures
150.670 Continuances and Extensions of Time
150.675 Computation of Time
150.680 Decisions of the Board
150.685 Service and Form of Papers

APPENDIX A Vision Standards

APPENDIX B Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of the State Police Act [20 ILCS 2610/3 through 14].

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; emergency amendments at 2 Ill. Reg. 51, p. 100, effective December 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; amended at 3 Ill. Reg. 47, p. 86, effective November 12, 1979; emergency amendment at 4 Ill. Reg. 6, p. 284, effective February 1, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 2739, effective March 2, 1981; amended at 6 Ill. Reg. 10954, effective August 31, 1982; codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983; emergency amendment at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7894, effective May 23, 1984; amended at 9 Ill. Reg. 3721, effective March 13, 1985; amended at 9 Ill. Reg. 14328, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 17752, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 14, 1987; amended at 11 Ill. Reg. 18303, effective October 26, 1987; amended at 12 Ill. Reg. 1118, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19592, effective December 1, 1989; amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 15 Ill.

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENTS

Reg. 11007, effective July 15, 1991; amended at 16 Ill. Reg. 11835, effective July 13, 1992; emergency amendment at 16 Ill. Reg. 17372, effective October 29, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9716, effective June 10, 1993; expedited correction at 17 Ill. Reg. 14684, effective June 10, 1993; amended at 17 Ill. Reg. 21079, effective November 22, 1993; amended at 19 Ill. Reg. 6679, effective May 1, 1995; amended at 19 Ill. Reg. 7970, effective June 1, 1995; amended at 20 Ill. Reg. 404, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 8062, effective June 4, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 13663, effective October 3, 1996; amended at 20 Ill. Reg. 14640, effective October 25, 1996; amended at 21 Ill. Reg. 14262, effective October 17, 1997; amended at 22 Ill. Reg. _____, effective _____.

SUBPART B: CERTIFICATION FOR APPOINTMENT

Section 150.210 Qualifications

a) The Board shall certify to the Director in writing qualified applicants for appointment as sworn officers to the Department. Qualified applicants shall:

- 1) Be at least 21 years of age. Persons 20 years of age may be certified if they have successfully completed 2 years (60 semester hours, 90 quarter hours) of law enforcement studies at an accredited college or university.
- 2) Have completed, with an average grade of C or better, an Associate in Arts or Associate in Science Degree or equivalent general education course work from an accredited college or university, as certified by the registrar of the college or university. The college or university must be accredited by one of the following associations:
 - A) Middle States Association of Colleges and Schools;
 - B) North Central Association of Colleges and Schools;
 - C) New England Association of Schools and Colleges;
 - D) Northwest Association of Schools and Colleges;
 - E) Southern Association of Colleges and Schools;
 - F) Western Association of Schools and Colleges.
- 3) Be a citizen of the United States with no felony convictions.
- 4) Accept assignment anywhere in the State.
- 5) Possess a valid driver's license at-time-of-application.
- 6) Successfully complete mental and physical and medical tests and a background investigation as prescribed by the Board. (See Section 150. Appendix A and B of this Part.)

b) The Board may certify more applicants than there are vacant positions at the time of certification. Such certified applicants shall be eligible for appointment for a period of time designated by the Board. Effective with the year 2000 applicant cycle, which commences in June 1999, qualified applicants shall have completed, with a C average or better from a college or university accredited by one of the above

DEPARTMENT OF STATE POLICE MERIT BOARD

NOTICE OF PROPOSED AMENDMENTS

Listed accreditation associations:

- 1) A Bachelor's Degree; or
- 2) An Associate in Arts or Associate in Science Degree or equivalent general education course work and 3 years of continuous full time service at the same police agency as a police officer.

(Source: Amended at 22 Ill. Reg. _____, effective _____, at 22 Ill. Reg. _____, effective _____.)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Conditions of Employment

2) Code Citation: 80 Ill. Adm. Code 303

<u>Section Numbers:</u>	<u>Adopted Action:</u>
303.90	Amend
303.102	Amend
303.125	Amend
303.130	Amend
303.250	Amend

4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415].

5) Effective Date of Amendments: November 24, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: November 24, 1997

9) Date Notice of Proposal Published in Illinois Register: August 8, 1997, 21 Ill. Reg. 10173

10) Has JCAR issued a Statement of Objections to the Amendments? No

11) Differences between proposal and final version: Several minor editing changes were made.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect?
Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking amends several Sections of Part 303 to parallel the most recent changes negotiated in the AFSCME master contract.

16) Information and questions regarding this adopted amendment shall be directed to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

(217)782-9669
TDD (217)785-3979

The full text of the Adopted Amendments begin on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 303

CONDITIONS OF EMPLOYMENT

SUBPART A: GRIEVANCE PROCEDURE

Section

303.10 Definition of a Grievance
303.20 Procedure
303.30 Grievance Committee
303.45 Representation

SUBPART B: LEAVE OF ABSENCE

Section

303.90 Sick Leave
303.100 Accumulation of Sick Leave
303.102 Payment in Lieu of Sick Leave
303.105 Reinstatement of Sick Leave
303.110 Advancement of Sick Leave
303.112 Sick Leave Bank
303.115 Veterans Hospital Leave
303.125 Leave for Personal Business
303.130 Maternity/Paternity and Adoption Leave
303.135 On-The-Job Injury -- Industrial Disease
303.140 Leaves of Absence Without Pay
303.142 Leave to Attend Union Conventions
303.145 Disability Leave
303.148 Family Responsibility Leave
303.150 Employee Rights After Leave
303.153 Failure to Return
303.155 Leave to Take Exempt Position
303.160 Military and Peace Corps Leave
303.170 Military Reserve Training and Emergency Call-Up
303.171 Leave for Military Physical Examinations
303.175 Disaster Service Leave With Pay
303.180 Attendance in Court
303.190 Authorized Holidays
303.200 Holiday Observance
303.215 Payment for Holidays
303.220 Holiday During Vacation
303.225 Eligibility for Holiday Pay
303.250 Vacation Eligibility
303.260 Prorated Vacation for Part-Time Employees

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

303.270 Vacation Schedule and Loss of Earned Vacation
303.290 Payment in Lieu of Vacation
303.295 Vacation Benefits on Death of Employee

SUBPART C: WORK HOURS AND SCHEDULES

Section

303.300 Work Schedules
303.310 Emergency Shut-Down
303.320 Overtime
303.330 Overtime Payable Upon Death
303.340 Attendance Records
303.350 Notification of Absence
303.355 Review of Attendance Records

SUBPART D: UNDATED OR INCOMPLETE FORMS

Section

303.360 Undated Forms
303.370 Incomplete Forms

SUBPART E: EMPLOYEE SEPARATIONS

Section

303.380 Reason for Separation
303.385 Repayment of Benefit Time

SUBPART F: TUITION REIMBURSEMENT

Section

303.390 Tuition Reimbursement

AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; amended at 3 Ill. Reg. 26, p. 199, effective July 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 70, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; codified at 7 Ill. Reg. 13209; emergency amendment at 8 Ill. Reg. 329, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7788, effective May 23, 1984; amended at 14 Ill. Reg. 3433, effective February 27, 1990; emergency amendment at 15 Ill. Reg. 5076, effective March 20, 1991, for a maximum of 150 days; emergency expired August 17, 1991; amended at 15 Ill. Reg. 5214, effective April 2, 1991; amended at 15 Ill. Reg. 14067, effective September 12, 1991; amended at 16 Ill. Reg. 8368, effective May 21, 1992; amended at 17 Ill. Reg. 5587, effective March 29, 1993; amended at 19

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 8130, effective June 7, 1995; amended at 19 Ill. Reg. 11775, effective August 7, 1995; emergency amendment at 21 Ill. Reg. 11291, effective July 22, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15458, effective NOV 24 1997.

SUBPART B: LEAVE OF ABSENCE

Section 303.90 Sick Leave

All employees, excepting those in emergency, intermittent, per diem or temporary status, unless such status is the result of accepting a non-permanent working assignment in another class, shall accumulate sick leave at the rate of one day for each month's service. Sick leave may be used for illness, disability or injury of the employee, appointments with doctor, dentist or other professional medical practitioner and also may be used in the event of serious illness, disability, injury or death of a member of the employee's immediate family. The operating agency or the Department may require evidence to substantiate that such leave days were used for the purpose herein set forth for periods of absence of ten consecutive workdays, or less. For periods of absence of ~~for~~ more than ten consecutive workdays the employee shall provide verification for such absence in accordance with the provisions of Section 303.145. Beginning with calendar year 1995, in the event an employee does not use sick leave in any calendar year, the employee shall be awarded one (1) additional personal day on January 1 of the next calendar year. Beginning with July 1, 1997, a part-time employee who works at least half time shall be awarded pro-rated additional personal leave on January 1 when the employee has not used sick leave during the previous calendar year. A calendar year for purposes of this provision is the period beginning January 1 and ending December 31 of each year. Such additional personal day shall be used in accordance with Section 303.125.

(Source: Amended at 21 Ill. Reg. 15454, effective NOV 24 1997)

Section 303.102 Payment in Lieu of Sick Leave

a) Upon termination of employment for any reason, or upon indeterminate layoff, an employee or the employee's estate is entitled to be paid for unused sick leave which has accrued on or after January 1, 1984 and prior to January 1, 1998, provided the employee is not employed in another position in state service within 4 calendar days of such termination.

b) For purposes of this Section, sick leave is deemed to be used by an employee within the following priority order: ~~in the same order as it is granted; that is, the earliest accrued sick leave is liquidated first.~~

- 1) Sick leave earned through December 31, 1983.
- 2) Sick leave earned on or after January 1, 1998.
- 3) Sick leave earned on or after January 1, 1984 and prior to

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

January 1, 1998.

The first earned sick leave shall be the first utilized within each category.

- c) In order to determine the amount of sick leave to be paid upon termination of employment, the operating agency will:
 - 1) compute the number of sick leave days granted to the employee between ~~on-and-after~~ January 1, 1984 and December 31, 1997;
 - 2) compute the employee's sick leave balance for that time period at time of termination; and
 - 3) cause lump sum payment to be made for one half of the amount of sick leave in subsection ~~subsections~~ [c](1) or (2) above, whichever is the lesser amount, multiplied by the daily salary rate.
- d) The method of computing the hourly or daily salary rate for sick leave qualifying for lump sum payment upon termination of employment shall be in accordance with 80 Ill. Adm. Code 310.520(a) Section-310-598a.
- e) If an employee has a negative sick leave balance pursuant to Section 303.110 when employment is terminated, no payment shall be made to the employee and the uncoupled balance due is cancelled.
- f) An employee who is reemployed, reinstated or recalled from indeterminate layoff and who received lump sum payment in lieu of unused sick days will have such days restored provided the employee repays upon return to active employment the gross amount paid by the State for the number of days to be so restored to the employee's sick leave account.
- g) The payment provided by this Section shall not be allowed if the purpose of the separation from employment and any subsequent reemployment is for the purpose of obtaining such payment.
- h) The accrued leave amount shall be certified in writing to the employee by the employing agency. This certification may be held by the employee or forwarded to the Retirement System.

(Source: Amended at 21 Ill. Reg. 15454 effective NOV 24 1997)

Section 303.125 Leave for Personal Business

a) All employees, excepting those in emergency, per diem or temporary status shall be permitted 3 personal days off each calendar year with pay. Beginning with calendar year 1995, in the event an employee does not use sick leave in any calendar year, the employee shall be awarded one (1) additional personal day on January 1 of the next calendar year. Beginning with July 1, 1997, a part-time employee who works at least half-time shall be awarded pro-rated additional personal leave on January 1 when the employee has not used sick leave during the previous calendar year. A calendar year for purposes of this provision is the period beginning January 1 and ending December 31 of each year. Such personal days may be used for such occurrences as observance of

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

religious holidays, Christmas shopping, absence due to severe weather conditions, or for other similar personal reasons, but shall not be used to extend a holiday or annual leave except as permitted in advance by the operating agency through prior written approval. Employees entitled to receive such leave who enter service during the year shall be given credit for such leave at the rate of 1/2 day for each 2 months service for the calendar year in which hired. Such personal leave may not be used in increments of less than 2 hours at a time. Except for those emergency situations which preclude the making of prior arrangements, such days off shall be scheduled sufficiently in advance to be consistent with operating needs of the employer.

- b) Personal leave shall not accumulate from calendar year to calendar year; nor shall any employee be entitled to payment for unused personal leave upon separation from the service except as provided in Section 8c(2) of the Personnel Code. The accrued leave amount paid under this Section of the Personnel Code shall be certified in writing to the employee by the employing agency. This certification may be held by the employee or forwarded to the Retirement System.

(Source: Amended at 21 Ill. Reg. 15454, effective NOV 2 1972)

Section 303.130 Maternity/Paternity and Adoption Leave

A covered member of the State employees' group insurance program who precertifies the member's or the member's covered dependent's pregnancy within the first two trimesters will be eligible for two weeks or 10 consecutive work days paid maternity/paternity leave after the birth of the child or children. If both the father and the mother are employed by the State, only one parent may be eligible for this leave. An employee with a newly adopted child will be eligible for this two weeks or 10 consecutive work days leave. This leave may also be granted to a State employee whose spouse is not covered by the State's group insurance program when reasonable notification is presented along with verification of marriage and birth or adoption.

(Source: Amended at 21 Ill. Reg. 15454, effective NOV 2 1972)

Section 303.250 Vacation Eligibility

- a) Employees, except emergency, temporary and those paid pursuant to 80 Ill. Adm. Code 310.230, shall earn vacation time. No employee on leave of absence may earn vacation except when the leave was for the purpose of accepting a temporary working assignment in another class.
- b) Eligible employee shall earn vacation time in accordance with the following schedule:

- 1) From the date of hire until the completion of 5 years of continuous service: 10 workdays per year of employment.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) From the completion of 5 years of continuous service until the completion of 9 years of continuous service: 15 workdays per year of employment.
- 3) From the completion of 9 years of continuous service until the completion of 14 years of continuous service: 17 workdays per year of employment.
- 4) From the completion of 14 years of continuous service until the completion of 19 years of continuous service: 20 workdays per year of employment.
- 5) From the completion of 19 years of continuous service until the completion of 25 years of continuous service: 22 workdays per year of employment.
- 6) From the completion of 25 years of continuous service: 25 workdays per year of employment.
- c) Vacation time may be taken in increments of not less than one (1) hour 1/2-day at a time, at any time after it is earned. Vacation time shall not be accumulated for more than 24 months after the end of the calendar year in which it is earned.
- d) Vacation time earned shall be earned computed in workdays and computed in hours. After an employee's earned vacation time has been so computed, if there remains a fractional balance of 1/2 hour ~~1/2-of-a workday~~ or less, the employee shall be deemed to have earned vacation time of 1/2 hour ~~1/2-of-a-workday~~ in lieu of the fractional balance; if there remains a fractional balance of more than 1/2 hour ~~1/2-of-a workday~~, the employee shall be deemed to have earned a full hour ~~workday~~ of vacation time in lieu of a fractional balance.
- e) Computation of vacation time of State employees who have interrupted continuous State service shall be determined as though all previous State service which qualified for earning of vacation benefits is continuous with present service. This subsection (e) The-Rate provided-in-this-paragraph applies to vacation time earned on or after October 1, 1972.

(Source: Amended at 21 Ill. Reg. 15454, effective NOV 2 1972)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Merit and Fitness
- 2) Code Citation: 80 Ill. Adm. Code 302
- 3) Section Numbers: Adopted Action:
302.610 Amend
- 4) Statutory Authority: Implementing and authorized by the Personnel Code [20 ILCS 415/8b.7].
- 5) Effective Date of Amendments: November 24, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 24, 1997
- 9) Date Notice of Proposal Published in Illinois Register: August 8, 1997, 21 Ill. Reg. 10175
- 10) Has JCAR issued a Statement of Objections to the Amendments? No
- 11) Differences between proposal and final version: Minor editing changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking will amend Section 302.610 to eliminate confusion that has arisen over the interpretation of the phrase "equivalent or lower position in a related series".
- 16) Information and questions regarding this adopted amendment shall be directed to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217)782-9669
TDD (217)785-3979

The full text of the Adopted Amendments begin on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS
CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 302
MERIT AND FITNESS

SUBPART A: APPLICATION AND EXAMINATION

Section	
302.10	Examinations
302.20	Time, Place, Conduct, Cancellation, Postponement and Suspension of Examinations
302.30	Veterans Preference
302.40	Announcement of Examination
302.52	Notice to Eligibles
302.55	Grading Examinations
302.60	Retaking or Regrading Examinations
302.70	Application and Eligibility

SUBPART B: APPOINTMENT AND SELECTION

Section	
302.80	Eligible Lists
302.90	Appointments
302.91	Alternative Employment
302.100	Geographic Preference
302.105	Pre-Employment Screening
302.110	Appointment From Eligible List
302.120	Responsibilities of Eligibles
302.130	Removal of Names From Eligible Lists
302.140	Replacement of Names on Eligible List
302.150	Appointment and Status
302.160	Extension of Jurisdiction B

SUBPART C: TRAINEES

Section	
302.170	Programs
302.175	Appointments
302.180	Limitations on Trainee Appointments

SUBPART D: CONTINUOUS SERVICE

Section	
302.190	Definitions
302.200	Interruptions In Continuous Service

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

302.210	Deductions From Continuous Service
302.215	Leave of Absence for Educational Purposes
302.220	Veterans Continuous Service
302.230	Peace or Job Corps Enrollees Continuous Service
302.240	Accrual and Retention of Continuous Service During Certain Leaves
302.250	Limitations on Continuous Service

SUBPART E: PERFORMANCE REVIEW

Section
302.260
302.270

Performance Records
Performance Evaluation Forms

SUBPART F: PROBATIONARY STATUS

Section
302.300
302.310
302.320
302.325

Probationary Period
Certified Status
Status Change in Probationary Period
Intermittent Status

SUBPART G: PROMOTIONS

Section
302.330
302.335
302.340

Eligibility for Promotion
Limitations On Promotions
Failure to Complete Probationary Period

SUBPART H: EMPLOYEE TRANSFERS

Section
302.400
302.410
302.420
302.425
302.430
302.431
302.432
302.433
302.435
302.440
302.445
302.450
302.460

Transfer
Intra-Agency Transfer
Inter-Agency Transfer
Merit System Transfer
Geographical Transfer (Agency Directed)
Geographical Transfer (Agency Directed) Procedures
Notice To Employee
Effective Date of Geographical Transfer (Agency Directed)
Employee-Requested Geographical Transfer
Rights of Transferred Employees
Transfer of Duties
Limitations on Transfers
Employee Records

SUBPART I: DEMOTION

Section

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

302.470	Demotion
302.480	Notice to Employee
302.490	Employee Obligations
302.495	Salary and Other Benefits of Employee
302.496	Appeal by Certified Employee
302.497	Demotion of Other Employees
302.498	Status of Demoted Employees

SUBPART J: VOLUNTARY REDUCTION AND LAYOFFS

Section

Voluntary Reduction of Certified and Probationary Employees
Limitations in Voluntary Reduction
Definition of Layoff
Temporary Layoff

Use of Accrued Benefits During Temporary Layoff

302.512
302.514
302.516
302.518
302.519
302.520
302.523
302.525
302.530
302.540
302.550
302.560
302.570
302.580
302.590
302.595
302.596
302.597
302.600
302.610

Notice of Temporary Layoff
Return from Temporary Layoff
Scheduling for Temporary Layoffs
Deferral of Wages
Indeterminate Layoff Procedure
Voluntary Indeterminate Layoff
Disapproval
Order of Layoff
Effective Date of Layoff
Employee Opportunity to Seek Voluntary Reduction
Order of Preference in Voluntary Reduction
Reemployment Lists
Employment From Reemployment List
Removal of Names From Reemployment List
Laid Off Probationary Employee
Appeal by Employee
Reinstatement from Layoff
Resignation
Reinstatement

SUBPART K: DISCHARGE AND DISCIPLINE

Section

Definition of Certified Employee
Progressive Corrective Discipline
Prohibited Disciplinary Action
Disciplinary Action Warning Notice
Suspension Totaling Not More Than Thirty Days in any Twelve Month Period

302.660
302.670
302.680

Suspension Totaling More than Thirty Days in any Twelve Month Period
Approval of Director of Central Management Services
Notice to Employee

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

302.690 Employee Obligations
 302.700 Cause for Discharge
 302.705 Pre-Termination Hearing
 302.710 Suspension Pending Decision on Discharge
 302.720 Discharge of Certified Employee
 302.730 Notice to Employee
 302.750 Appeal by Employee
 302.780 Discharge of Probationary Employees
 302.781 Reinstatement from Suspension or Discharge
 302.785 Suspension Resulting From Arrest or Criminal Indictment/Suspension Pending Judicial Verdict
 302.790 Prohibition of Discrimination

SUBPART L: TERM APPOINTMENTS

Section
 302.800 Definition of Terms
 302.810 Positions Subject to Term Appointments
 302.820 Appointment
 302.821 Effect of Loss of Federal Funding on Employees Excluded from Term Appointment by Reason of Being Federally Funded (Repealed)
 302.822 Appointees Under Term Appointments
 302.823 No Promotion to Positions Covered by Term Appointments (Repealed)
 302.824 No Reallocation to Term Positions
 302.825 Reemployment Rights to Term Appointment
 302.830 Expiration of Term Appointment
 302.840 Renewal Procedures
 302.841 Renewal Procedures for Incumbents on the Effective Date of Section 8b18 of the Personnel Code (Repealed)
 302.842 Effective Date of Reappointment or Termination (Repealed)
 302.846 Change in Position Factors Affecting Term Appointment Exclusion
 302.850 Reconsideration Request
 302.860 Renewal Procedure for Incumbents Subject to Public Act 83-1369
 302.863 Renewal of Certified or Probationary Incumbents in Exempted Positions

AUTHORITY: Implementing and authorized by the Personnel Code [20 ILCS 415].

SOURCE: Filed May 29, 1975; amended at 2 Ill. Reg. 33, p. 24, effective September 1, 1978; amended at 3 Ill. Reg. 1, p. 63, effective January 1, 1979; amended at 3 Ill. Reg. 22, p. 78, effective June 1, 1979; emergency amendment at 3 Ill. Reg. 48, p. 188, effective January 1, 1980, for a maximum of 150 days; emergency amendment at 4 Ill. Reg. 1, p. 76, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 11, p. 67, effective March 1, 1980; amended at 4 Ill. Reg. 15, p. 216, effective March 31, 1980; amended at 4 Ill. Reg. 22, p. 227, effective June 1, 1980; amended at 5 Ill. Reg. 8029, effective August 1, 1981; amended at 7 Ill. Reg. 654, effective January 5, 1983; codified at 7 Ill. Reg. 13198; amended at 8 Ill. Reg. 7788, effective May 23, 1984; emergency amendment at 9 Ill. Reg. 241, effective January 1, 1985,

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

for a maximum of 150 days; amended at 9 Ill. Reg. 7907, effective May 15, 1985; amended at 10 Ill. Reg. 13940, effective September 1, 1986; amended at 12 Ill. Reg. 5634, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 16214, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 3722, effective March 13, 1989; amended at 13 Ill. Reg. 10820, effective June 23, 1989; amended at 13 Ill. Reg. 12970, effective August 1, 1989; amended at 15 Ill. Reg. 17974, effective November 27, 1991; amended at 16 Ill. Reg. 8375, effective May 21, 1992; emergency amendment at 16 Ill. Reg. 11645, effective July 6, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13489, effective August 19, 1992; amended at 16 Ill. Reg. 17607, effective November 6, 1992; amended at 17 Ill. Reg. 3169, effective March 1, 1993; amended at 18 Ill. Reg. 1892, effective January 25, 1994; amended at 18 Ill. Reg. 17183, effective November 21, 1994; amended at 19 Ill. Reg. 8145, effective June 7, 1995; amended at 20 Ill. Reg. 3507, effective February 13, 1996; amended at 21 Ill. Reg. 15466, effective NOV 2, 1997.

SUBPART J: VOLUNTARY REDUCTION AND LAYOFFS

Section 302.610 Reinstatement

- a) On request of an operating agency, the Director may reinstate a former certified employee who resigned or terminated in good standing or whose position was reallocated downward or who was laterally transferred or whose name was placed on a reemployment list. Such reinstatement may be to a position in the class to which the employee was assigned prior to resignation, termination, downward allocation, lateral transfer or layoff or to a position in any other position class for which the employee is qualified. ~~Such reinstatement may be to a position in the class to which the employee was assigned prior to resignation, termination, downward allocation, lateral transfer or layoff or to an equivalent or lower position in a related series.~~ The Director may reinstate an employee who was formerly certified under the Secretary of State Merit Employment Code, the University Civil Service System of Illinois, Comptroller Merit Employment Code or the State Treasurer Employment Code. A reinstated employee shall serve an additional six month probationary period in the position. Request for reinstatement shall be accompanied by the employee's performance records when available.
- b) A certified employee whose name appears on a reemployment list may be reinstated to a position other than the position to which the employee is eligible for reemployment. If reinstated to a position in the same or a higher pay grade than that for which the employee is eligible for reemployment, then, upon satisfactory completion of the new probationary period, the employee's name shall be removed from the reemployment list. If reinstated to a position in a lower pay grade than that for which the employee is eligible for reemployment, it shall have no effect on the employee's reemployment rights.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 21 Ill. Reg. 15462, effective
NOV 24 1997)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Audits, Reviews, and Investigations
- 2) Code Citation: 89 Ill. Adm. Code 434
- 3) Section Numbers: Adopted Action:
434.7 Amend
- 4) Statutory Authority: The Children and Family Services Act [20 ILCS 505] and the Abused and Neglected Child Reporting Act [325 ILCS 5].
- 5) Effective Date of Amendments: December 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date Filed in Agency Principal Office: December 1, 1997
- 9) Notice(s) of Proposal published in Illinois Register: 21 Ill. Reg. 08704
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendments: This Part describes the Department's internal audit functions and audit requirements for service providers. The Department is amending this Part to delete audit requirements for day care as this function has been transferred to the Department of Human Services.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Mr. Jerry B. Crabtree
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TDD: (217) 524-3715
E-Mail: ORPINFO@POP.state.il.us

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 434

AUDITS, REVIEWS, AND INVESTIGATIONS

Section

434.1 Purpose

434.2 Definitions

434.3 Audit Standards to be Applied and Audit Procedures to be Followed for

Internal Auditing

434.4 Scope of the Internal Audit/Review or Investigation

434.5 Reports of Internal Auditors

434.6 Exit Conferences

434.7 Certified Audits, Cost Reports and Desk Reviews

434.8 Records Maintenance and Availability for Audit

434.9 Responsibilities of the Office of Internal Audits

434.10 Administrative Hearings of Draft Audit Findings and Recommendations

434.11 Referrals by Department Employees to the Investigations Unit

434.12 Severability of This Part

AUTHORITY: Implementing and authorized by Section 4 of the Children and Family Services Act [20 ILCS 505/4] and the Fiscal Control and Internal Auditing Act [30 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 8634, effective September 1, 1981; amended at 8 Ill. Reg. 133, effective December 30, 1983; amended at 18 Ill. Reg. 6697, effective May 1, 1994; emergency amendment at 18 Ill. Reg. 8944, effective June 3, 1994, for a maximum of 150 days; emergency expired on October 31, 1994; amended at 19 Ill. Reg. 2760, effective February 27, 1995; amended at 21 Ill. Reg. 15469, effective DEC 1 1997.

Section 434.7 Certified Audits, Cost Reports and Desk Reviews

- a) The Department's requirements for providers include the annual filing of a cost report (for all providers in accordance with 89 Ill. Adm. Code 357) and a certified audit of entities who receive annual payments in excess of \$50,000 in any one contract year. The certified audit for all entities must be completed and submitted within 180 calendar days after the completion of their fiscal year as required by Purchase of Service (89 Ill. Adm. Code 357.11 (f)). Bay-care-providers must--complete--audits--in--accordance-with-the-Department's-Guide-for-Audits-of-Bay-Care-Provider--Organizations. All Governmental and not-for-profit entities must complete audits in accordance with OMB Circulars A-128 or A-133, whichever is applicable.
- b) The certified audit and related cost reports are to be reviewed by the Internal Auditors and, when appropriate, a report on the certified

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

audit or cost reports will be issued to Department officials who are responsible for the contract(s). The general objectives of the desk review and report shall determine whether:

- 1) financial and service unit information is appropriately presented and is consistent with the generally accepted accounting principles;
- 2) costs incurred in operating the contracted service are not less than the revenues received directly for the program;
- 3) related party transactions are appropriately recorded and disclosed;
- 4) significant accounting practices and other information which require disclosure (as described by generally accepted accounting principles) are disclosed appropriately; and
- 5) funds were used in accordance with Department policy and whether the entity has received monies in excess of actual reimbursable costs.

c) The Office of Internal Audits is responsible for answering all questions regarding the preparation of a certified audit. If the Department has not received the certified audit by the deadline of 180 calendar days after the completion of the entity's fiscal year, the Office of Internal Audits will notify the entity of the delinquency and send a copy of the notice to Department regional administrative staff.

d) All certified audits are logged in upon receipt by the Office of Internal Audits and an audit digest (summary of findings) is prepared for each audit received. If the audit does not contain adequate information, the Office of Internal Audits will send a letter to the entity to request additional information. If the certified audit does not meet the standards set out in subsection (a) of this Section, the entity will be given 30 business days to submit a new certified audit. The Office of Internal Audits will prepare a desk review report which will highlight any deficiencies that are found in the audit and will contain specific recommendations for procedural changes in the preparation of certified audits. The completed desk review report will be sent directly to the entity, with a copy to appropriate Department regional staff.

f) Department regional staff are responsible for reviewing the recommendations contained in the desk review report and providing assistance as necessary to the entity in follow-up on the recommendations made. The desk review report may contain recommendations for contract or budget revisions which must be acted upon by the regional staff.

g) The desk review report may contain recommendations which require an additional response from the entity before the certified audit is accepted. The entity's response and concurrence with the recommendations of the desk review report will close the desk review process.

h) When the rates for group homes, institutions, day-care, independent

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

living, homemakers, Medicaid and unmarried mothers services are set by audited costs, the entity is exempt from recapture of any excess revenues associated with these services. The total amount of excess revenues identified during FY 1981-FY 1994 must be recorded as a liability on the entity's financial statements and may be retained by the entity until the specified program type is no longer in effect. If, beginning with State fiscal year 1995 and in any subsequent years, payments from the Department exceed expenses attributable for a specified program type, any excess revenues which are identified will be recaptured during the following fiscal year contract period.

- i) Waiver of the certified audit requirement must be requested in writing and directed to the Department's Chief Auditor. The request should state the reason for the waiver request. A request for an extension of the deadline for submittal of the audit beyond the time specified in the contract must also be submitted in writing to the Chief Auditor. The Department's Chief Auditor will respond to requests for waivers or extensions within thirty business days, specifying approval or rejection of the waiver.

(Source: Amended 1997
DEC 1 1997)

21 Ill. Reg.

15469

effective

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Department Advisory Groups

- 2) Code Citation: 89 Ill. Adm. Code 428

- 3) Section Numbers: Adopted Action:

428.20	Amend
428.30	Amend
428.35	New
428.40	Repeal
428.60	Amend
428.65	New
428.70	Repeal
428.75	New
428.90	Repeal
428.95	New
428.100	Amend
428.110	Amend
428.120	Amend
428.130	Amend
428.140	Amend
428.150	Amend
428.160	Amend
428.170	Amend
428.175	New
428.180	Amend
428.190	Amend

- 4) Statutory Authority: The Children and Family Services Act [20 ILCS 505] and the Abused and Neglected Child Reporting Act [325 ILCS 5].

- 5) Effective Date of Amendments: December 1, 1997

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporation by reference? No

- 8) Date Filed in Agency's Principal Office: December 1, 1997

- 9) Notice(s) of Proposal published in Illinois Register: 21 Ill. Reg. 08117

- 10) Has JCAR issued a Statement of Objection to these rules? No

- 11) Difference(s) between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this amendment replace an emergency rule currently in effect? No

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 14) Are there any amendments pending on this Part? No

- 15) Summary and purpose of amendments: The Department is amending this Part to update the listing of bodies which provide advice to the Department regarding various programs and services. The revisions include repeal of provisions related to the Illinois Juvenile Justice Commission and regional youth planning committees as these functions have been transferred to the Department of Human Services. Amendments are also proposed to further ensure that persons who serve on Department advisory bodies do not have conflicts of interest which might affect the advice and counsel they provide the Department.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Mr. Jerry B Crabtree
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TDD: (217) 524-3715
E-Mail ORPINFO@POP.state.il.us

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 428

DEPARTMENT ADVISORY GROUPS ~~GENERAL~~
~~ILLINOIS JUVENILE JUSTICE COMMISSION AND~~
~~OTHER STATEWIDE AND REGIONAL COMMITTEES~~

Section	Purpose
428.10	Definitions
428.20	Children and Family Services Advisory Council
428.30	One Church, One Child Advisory Board
428.35	State Advisory Committee on Day Care (Repealed)
428.40	Child Welfare Advisory Committee
428.50	Statewide Citizens Committee on Child Abuse and Neglect
428.60	Statewide Foster Care Advisory Council
428.65	Illinois Juvenile Justice Commission (Repealed)
428.70	African-American Family Commission
428.75	Regional Advisory Committees
428.80	Regional Youth Planning Committees (Repealed)
428.90	Other Advisory Groups
428.95	Liaisons to the Department's Advisory Council
428.100	Rules of Procedure
428.110	Organization Committees and Sub-committees
428.120	Regular and Special Meetings
428.130	Notice of Meetings and Agendas
428.140	Compliance with the Opening Meetings Act
428.150	Quorum
428.160	Compensation
428.170	Conflict of Interest
428.175	Minutes
428.180	Staffing
428.190	

AUTHORITY: Implementing and authorized by Sections 5, 17a-1 and 17a-9 of the Children and Family Services Act [20 ILCS 505/5, 17a-1, 17a-9]; Section 11.7 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11.7]; Sections 11.1 through 12 of the Illinois Purchasing Act [30 ILCS 505/11.1 through 12]; and Sections 6.15 and 8 of the Civil Administrative Code of Illinois [20 ILCS 5/6.15 and 8].

SOURCE: Adopted and codified at 5 Ill. Reg. 7789, effective August 3, 1981; amended at 7 Ill. Reg. 10578, effective September 1, 1983; recodified at 17 Ill. Reg. 21894; amended at 19 Ill. Reg. 1043, effective January 20, 1995; amended at 21 Ill. Reg. 15474, effective DEC 1 2001.

Section 428.20 Definitions

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Advisory group", as used in this Part, means a council, commission, committee or task force created by statute, executive order, or administrative action of the Director of the Department that, among its functions, provides advice and counsel to the Department regarding its programs and services or monitors Department operations. Such advisory groups may be composed entirely or partially of persons other than Department personnel. "Advisory Committees" means the Statewide Citizens Committee on Child Abuse and Neglect established by Section 11.7 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11.7], the State Advisory Committee on Day-Care and Regional Advisory Committees which provide advice and counsel to the Director of the Department on a regional or special program basis.

"Commission" means the Illinois Juvenile Justice Commission established by Section 17a-9 of the Children and Family Services Act [20 ILCS 505/17a-9] to execute those powers and duties mandated in that Section of the Act.

"Committees" means both advisory committees and regional youth planning committees as defined above, unless otherwise specified in this Part.

"Council" means the Children and Family Services Advisory Council established by Section 6.15 of the Civil Administrative Code of Illinois [20 ILCS 5/6.15] to execute those powers and duties mandated in Section 8 of that Code [20 ILCS 5/8].

"Conflict of interest", as used in this Part, means an individual uses his or her official position for private gain (other than salary), gives preferential treatment to any entity or person in the conduct of official duties because of personal interest, impedes or adversely affects governmental efficiency or economy because of personal interest, fails to act impartially in the conduct of official duties because of personal interest, or engages in conduct that could adversely affect the confidence of the public in the integrity of the Department of Children and Family Services. The term also means that the circumstances are such that a reasonable person might conclude that an individual's judgement could be influenced by the nature of the circumstances or the individual(s) involved. Conflicts of interest may be actual or potential.

"Direct financial interest" means any type of monetary gain from a Department-funded program, such as that acquired by salaried staff of Department-funded agencies, or Department staff. Staff members of programs supported by funds from other than the Department located within agencies providing a Department-funded service are not eligible for regional youth planning committee membership if their working responsibilities are related to management funding or

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

policy-making-

"Geographic regions" means those groupings of counties designated by the Director for administration of Department programs.

"Regional--Youth-Planning-Committees" means the committees established by Section 17a-1 of the Children and Family Services Act--(20--1985 505/17a-1) to execute those powers and duties mandated in that Section of the Act.

(Source: Amended at 21 Ill. Reg. 15474, effective DEC 1 1985)

Section 428.30 Children and Family Services Advisory Council

a) In accordance with Section 6.15 of the Civil Administrative Code of Illinois [20 ILCS 5/6.15], there shall be a Children and Family Services Advisory Council to advise the Department with respect to its services and programs for children and adults under its care.

b) There shall be seventeen members, one of whom shall be a senior citizen age 60 or over, appointed by the Governor, each appointed to a four year term. The terms of one-half of the Council shall expire every two years on the third Monday in January in odd numbered years. The Director shall make reasonable efforts to ensure that the membership of the Council is culturally diverse, representative of the population of the State, and geographically representative of the Department's administrative regions. Members shall continue to serve until their successors are appointed and qualified.

c) A chairperson and vice chairperson shall be elected by the Council from among its members for a term of one year beginning July 1 of each year. An officer shall be eligible for re-election to the same office held for no more than two consecutive terms.

d) Notice of meetings and agendas of regular and special meetings shall, in addition to those required in Section 428.130, be sent to the Governor at least seven days prior to a scheduled meeting of the Council.

(Source: Amended at 21 Ill. Reg. 15474, effective DEC 1 1985)

Section 428.35 One Church, One Child Advisory Board

a) In accordance with Section 7.1 of the Children and Family Services Act [20 ILCS 505/7.1], there shall be a One Church, One Child Advisory Board to advise the Department in the placement of children by encouraging black churches to help find permanent homes for black children waiting to be adopted.

b) There shall be twenty-five members appointed by the Governor, with at

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

least one member representing each region of the State as determined by the Department.

(Source: Added at 21 Ill. Reg. 15474, effective DEC 1 1985)

Section 428.40 State Advisory Committee on Day Care (Repealed)

a) There shall be a State Advisory Committee on Day Care to advise the Department on general policy involving the provision of day-care services under the state plan.

b) There shall be thirty members appointed by the Director of the Department, each serving for a term of three years. The terms of one-third of the committee membership shall expire every year on the 30th day of June. Members shall continue to serve until their successors are appointed.

c) A chairperson shall be appointed by the Director for a term of one year beginning July 1 of each year. An officer shall be eligible for re-election to the same office held for no more than two consecutive terms.

(Source: Repealed at 21 Ill. Reg. 15474, effective DEC 1 1985)

Section 428.60 Statewide Citizens Committee on Child Abuse and Neglect

a) In accordance with Section 11.7 of the Abused and Neglected Child Reporting Act [325 ILCS 5/11.7], there shall be a Statewide Citizens' Committee on Child Abuse and Neglect to advise the Director on setting priorities for the administration of child abuse prevention, shelters and service programs, and to advise the Director on policies and procedures with respect to the medical neglect of newborns and infants (325 ILCS 5/11.7).

b) There shall be twenty-five members appointed by the Director of the Department, each serving for a term of three years. The terms of one-third of the Committee membership shall expire every year on the 30th day of June. Members shall continue to serve until their successors are appointed. No more than 20% of the membership may have a direct financial interest in any Department funded program.

c) A chairperson and vice chairperson shall be appointed by the Director of the Department from among its members for a term of one year beginning July 1 of each year. An officer shall be eligible for reappointment to the same office held for no more than two consecutive terms.

(Source: Amended at 21 Ill. Reg. 15474, effective DEC 1 1985)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 428.65 Statewide Foster Care Advisory Council

- a) In accordance with the Statewide Foster Care Advisory Council Law [20 ILCS 525/5-5], there shall be a Statewide Foster Care Advisory Council to advise the Department with respect to all matters involving or affecting the provision of foster care to abused, neglected, or dependent children and their families.
- b) There shall be 22 members appointed by the Director, each serving for a term of three years. To the extent possible, appointments of members shall be such that the terms of one-third of the members in each category described in subsection (d) below expire every year on June 30th. Further, the Director shall make reasonable efforts to ensure that the membership of the Council is culturally diverse, representative of the population of the State, and geographically representative of the Department's administrative regions.
- c) Membership of the Council shall consist of 2 foster parents each from the Department's southern and northern regions; 3 foster parents from the Department's central region, and 2 foster parents from each of the Department's Cook County regions (including the current President of the Cook County Foster Parent Advisory Committee); 2 foster parents representing the Child Welfare Advisory Committee (with at least one residing in Cook County); 2 foster care professionals representing the Child Welfare Advisory Committee who represent agencies with whom the Department contracts for foster care services; the current President of the Illinois Foster Parent Association and 4 other non-Department persons recognized for expertise regarding foster care who shall be selected and appointed by the Director of the Department. (Section 5-10 of the Statewide Foster Care Advisory Council Law [20 ILCS 525/5-10])
- d) Each member shall be appointed for a term of 3 years. No member shall be appointed to more than 2 terms. Members shall continue to serve until their successors are appointed. This provision notwithstanding, the President of the Illinois Foster Parent Association and the President of the Cook County Foster Parent Association may serve as long as they hold office.

- e) A chairperson and vice chairperson shall be elected by the Council from among its members for a term of one year at a meeting prior to July 1st of each year with those officers assuming the duties of their offices on the first day of July each year. Any officer of the Council shall be eligible for consecutive election to the office held for no more than 2 consecutive one year terms. Further, the immediate past chairperson shall serve as a consultant to the Council for one year. (Section 5-15 of the Statewide Foster Care Advisory Council Law [20 ILCS 525/5-15])

(Source: Added at 21 Ill. Reg. 1547A, effective
DEC 1 1997)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 428.70 Illinois Juvenile Justice Commission (Repealed)

- a) There shall be an Illinois Juvenile Justice Commission to supervise the administration of federal funds under the Juvenile Justice and Delinquency Prevention Act of 1974, as amended (42 USC 5601 et seq.) and to advise the Department on general policy related to juvenile justice and delinquency prevention services and programs for youth.
- b) There shall be twenty-five members appointed by the Governor, each serving for a term of three years. The terms of one-third of the Commission membership shall expire every year on the 31st day of January. Members shall continue to serve until their successors are appointed.
- c) A chairperson, from among its members, shall be appointed by the Governor and serve as chief officer of the Commission. A vice chairperson, elected by the Commission from among its members, shall fulfill duties as designated by the chairperson.
- d) Notice of meetings and agendas of regular and special meetings shall in addition to those persons required in Section 420-140, be sent to the Governor at least seven days prior to a scheduled meeting of the Commission.

(Source: Repealed at 21 Ill. Reg. 1547A, effective
DEC 1 1997)

Section 428.75 African-American Family Commission

- a) There shall be an African-American Family Commission to advocate and promote family preservation and community advancement by developing and recommending to the Department culturally specific child welfare policies and practices that will strengthen African-American families and communities.
- b) There shall be thirty members appointed by the Governor, each serving for a term of two years. Members shall be selected on a statewide basis but shall be predominately (85 percent) residents of Cook County. Members shall have a working knowledge of the child welfare system in Illinois, shall be representative of a variety of human service and related disciplines, and shall be representative of a partnership and collaborative effort between child welfare agencies, community based agencies and organizations and leadership from the public/private sector and the community. The Director shall serve as an ex-officio member of the Commission.
- c) The chairperson(s) shall be appointed by the Governor from among the members of the Commission.

(Source: Added at 21 Ill. Reg. 1547A, effective
DEC 1 1997)

Section 428.90 Regional Youth Planning Committees (Repealed)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- a) Where ~~shall be regional youth planning committees within each region as designated by the Director of the Department to advise the Department in regard to regional youth service needs and problems; to prepare an annual regional youth services plan; and to review and comment upon regional youth service grant applications.~~
- b) There ~~shall be ten members except that the Chicago Regional Youth Planning Committee shall have 20 members, appointed by the Director of the Department to each Committee. Each member serves for a term of three years. All members shall have residency within the regional area and shall be broadly representative of the varied geographic interests. Membership shall reflect a broad representation of community interests and perspectives, including local government, law enforcement, education and training, juvenile justice, mental health, human services and youth.~~ (20-ILCS-505/17a-1) The terms of one-third of each Committee membership shall expire every year on the 30th day of June. Members shall continue to serve until their successors are appointed. No member may have a direct financial interest in any Department-funded program.
- c) A chairperson and vice chairperson shall be appointed by the Director from among its members for a term of one year beginning July 1 of each year. An officer shall be eligible for reappointment to the same office held for no more than two consecutive terms.

(Source: Repealed at 21 Ill. Reg. 15474, effective DEC 1 1990)

Section 428.95 Other Advisory Groups

In addition to the advisory groups named in this Part, the Director may appoint other advisory groups to advise him or her regarding Department programs and services or to comply with statutes or executive orders. Unless otherwise provided by law, such bodies shall comply with Sections 428.160 (Quorum), 428.170 (Compensation), 428.175 (Conflict of Interest) and 428.180 (Minutes) of this Part. The Director may require compliance with other provisions of this Part in creating such bodies.

(Source: Added at 21 Ill. Reg. 15474, effective DEC 1 1990)

Section 428.100 Liaisons to the Department's Advisory Council

The chairpersons of the Commission and each advisory group designated by the Director committee shall be designated liaisons to the Children and Family Services Advisory Council and shall meet, as a group, with the Council council at least once each year at the call of the chairperson of the Council.

(Source: Amended at 21 Ill. Reg. 15474, effective DEC 1 1990)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 428.110 Rules of Procedure

Each advisory group ~~the Council, Commission and each Committee except the regional youth planning committees, shall operate under the Rules of Procedure approved by a majority of its members. The regional youth planning committees shall operate under Rules of Procedure developed by the Division of Youth and Community Services and approved by the Director of the Department.~~

(Source: Amended at 21 Ill. Reg. 15474, effective DEC 1 1990)

Section 428.120 Organization Committees and Sub-committees

Each advisory group ~~The Council, Commission and each Committee shall organize itself into committees and/or sub-committees for the purpose of carrying out the goals, objectives and strategies determined by the membership. Inter-committee joint task forces may be formed to carry out specific tasks so assigned by the Director or so agreed upon by the respective memberships.~~

(Source: Amended at 21 Ill. Reg. 15474, effective DEC 1 1990)

Section 428.130 Regular and Special Meetings

Regular meetings of each advisory group ~~the Council, Commission and each Committee shall be held at least quarterly. A schedule of meetings shall be developed by the chairperson for the calendar year, after consultation with the membership and the staff person designated by the Director of the Department. Special meetings of the Commission may be called by the chairperson or by a written request signed by at least five Commissioners. Notice of the special meeting must be provided to Commission members and the Governor at least seven days prior to the meeting. Special meetings of advisory groups the Council and Committees may be called by the chairperson or a majority of the members appointed.~~

(Source: Amended at 21 Ill. Reg. 15474, effective DEC 1 1990)

Section 428.140 Notice of Meetings and Agendas

Notice of meetings and agendas of regular and special meetings shall be prepared and distributed to the members of the advisory group Council, Commission and the Committees and the Director of the Department at least seven days prior to a scheduled meeting of the committee.

(Source: Amended at 21 Ill. Reg. 15474, effective DEC 1 1990)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 428.150 Compliance with the Open Meetings Act

All meetings of the Statewide Foster Care Advisory Council ~~Commission~~ shall be held in compliance with notice and other requirements of the Illinois Open Meetings Act [5 ILCS 120].

(Source: Amended at 21 Ill. Reg. 15474, effective DEC 1 1997)

Section 428.160 Quorum

A quorum at any regular or special meeting of an advisory group ~~the--Council--Commission--and--the--committees~~ shall be necessary to transact business. A majority of the advisory group ~~Commission~~ members then holding office must be present at the initial roll call at the commencement of any regular or special meeting and they shall constitute a quorum. The necessary quorum for conducting business of the advisory group ~~Council--and--Committees~~ shall be determined by a majority of each membership and included in the Rules of Procedure for each body. For the purpose of election of officers, the necessary quorum shall be a majority of the duly appointed members.

(Source: Amended at 21 Ill. Reg. 15474, effective DEC 1 1997)

Section 428.170 Compensation

Members of the Department advisory groups ~~Council--Commission--and--each Committee~~ shall serve without compensation except that they may be reimbursed for travel and per diem expenses necessary in connection with meetings and business, in accordance with Illinois Department of Central Management Services rules, as approved by the Governor's Travel Control Board.

(Source: Amended at 21 Ill. Reg. 15474, effective DEC 1 1997)

Section 428.175 Conflict of Interest

a) No member of a Department advisory group shall solicit or accept gratuities, favors or anything of monetary value in exchange for serving on a body advisory to the Department. Nor shall such members receive preferential treatment in regard to Department services. Nominal tokens of appreciation (such as meals, floral arrangements, plaques, certificates and or similar items) presented in conjunction with meetings shall not be considered a violation of this provision. The value of the token(s) accepted at a single event shall not exceed \$50.

b) No member of a Department advisory group shall participate in the selection, award or administration of a grant or contract in which the

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

member, a member of his or her immediate family or business partner or associate has a financial interest or which might present a conflict of interest as defined by Section 428.20.

c) Any advisory group member having a financial interest in a matter under consideration shall make a full disclosure of that interest and shall abstain from discussion, advising or voting on the matter that gave rise to the conflict.

d) Failure of an advisory group member to disclose a conflict of interest may result in removal from the Council, committee or task force and/or review of the process or decision in which the member participated.

e) The chairperson or other presiding officer shall refer the following situations to the Department Office of Internal Audits for a review or opinion:

1) A Council, committee or task force member has an association with a grant or contract in a manner that could be considered a conflict of interest in accordance with this Part; or

2) A Council, committee, or task force member appears to have solicited or accepted gratuities, favors or something of value other than the token(s) authorized by this Section in exchange for serving on a body advisory to the Department.

(Source: ~~Added~~ at 21 Ill. Reg. 15474, effective DEC 1 1997)

Section 428.180 Minutes

Minutes shall be kept of the transactions of each advisory group ~~the--Council--Commission--and--each Committee~~ and those minutes shall be public records filed with the Director of the Department.

(Source: Amended at 21 Ill. Reg. 15474, effective DEC 1 1997)

Section 428.190 Staffing

The Director shall designate a staff person and clerical support for each advisory group ~~the--Council--Commission--and--each Committee~~ to maintain records, prepare notices and agendas for each meeting and otherwise carry out the functions of the group ~~committee~~.

(Source: Amended at 21 Ill. Reg. 15474, effective DEC 1 1997)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Grants-In-Aid
- 2) Code Citation: 89 Ill. Adm. Code 360
- 3) Section Numbers: Adopted Action:
360.2 Amend
360.3 Amend
360.5 Repeal
- 4) Statutory Authority: The Children and Family Services Act [20 ILCS 505] and the Abused and Neglected Child Reporting Act [325 ILCS 5].
- 5) Effective Date of Amendments: December 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date Filed in Agency Principal Office: December 1, 1997
- 9) Notice(s) of Proposal published in Illinois Register: 21 Ill. Reg. 08728
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendments: This Part describes requirements and application procedures for the Department's grants-in-aid program. The Department proposes amending this Part to delete grants-in-aid programs for day care as this function is being transferred to the Department of Human Services. Additionally, the grant threshold increased from \$25,000 to \$50,000 to provide DCFS with a certified, independent audit within 180 days after the close of the grantee's fiscal year. This change makes this rulemaking consistent with other Department rules.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Mr. Jerry B. Crabtree
Office of Rules and Procedures
Department of Children and Family Services

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

406 East Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TDD: (217) 524-3715
E-Mail: ORPINFO@POP.state.il.us

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER c: FISCAL ADMINISTRATION

PART 360
GRANTS-IN-AID

- Section 360.1 Purpose
- 360.2 Definitions
- 360.3 General Characteristics of Grants in-Aid
- 360.4 Applications for Grants
- 360.5 Grants-in-Aid for Day Care (Repealed)
- 360.6 Grants-in-Aid for Child Abuse and Neglect Research, Demonstration and Development
- 360.7 Continuation of Grants-in-Aid (Repealed)
- 360.8 Monitoring and Required Reports (Repealed)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505] and the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 7807, effective August 3, 1981; amended at 8 Ill. Reg. 17263, effective October 1, 1984; amended at 9 Ill. Reg. 7928, effective May 15, 1985; amended at 21 Ill. Reg. 15486, effective

~~11/10/1990~~

Section 360.2 Definitions

"Child abuse and neglect grants" means the grants-in-aid program for the research, demonstration or practice development for the prevention or treatment of child abuse and neglect.

"Day-care-grants" means the grants-in-aid program--to--encourage--the development--and--operation--of--new-day-care-facilities--or--to--aid--the expansion--operation--or--improvement--of--existing--licensed--day--care facilities:

"Day-care-provider" means day--care--homes--and--day-care-centers--as defined in the Child-Care Act of 1969:

"Grants-in-aid" are funding mechanisms whereby the Department makes awards of financial assistance to individuals or organizations for the purpose of program development or innovation related to child abuse and neglect. Grants-in-aid programs include child abuse--and--neglect and day-care:

"Request for Proposal" (RFP) for purposes of this Part part, means a form of invitation to bid which the Department uses to determine to

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

whom grant monies will be allocated. The RFP explains the purpose, outlines the scope of the work and solicits proposals from individuals and organizations for the funding of services for certain initiatives or projects which address needs identified in the Department's Human Service Plan.

(Source: Amended at 21 Ill. Reg. 15486, effective DEC 1 1990)

Section 360.3 General Characteristics of Grants in-Aid

- a) Grants-in-aid are used for the following general purposes:
- 1) To provide initial start-up funding for programs in their developmental stages.
 - 2) Demonstration or pilot projects.
 - 3) Research or other non-direct service projects.
 - 4) To promote local community-based programs in the areas that lack needed services.
 - 5) To promote programs of value to child welfare and youth service in general, even though the Department does not make direct use of them for its own clients.
- b) Grants are generally paid in advance or on a monthly or quarterly basis, as opposed to purchase of service contracts (see 89 Ill. Adm. Code 357: Purchase of Service) which are paid based on units of service after the service has been provided. However, grants may also be based on provision of a minimum level of units of service or a deliverable product.
- c) Other sources of support from the Department or the community should supplement grant support as the project moves from the development or demonstration phase to becoming an ongoing program. Projects which are not eligible for financing from other Department funding sources may be considered for grant funding continuation provided the project's goals and objectives are being met, there is a continuing need for the project, no other funding sources are available and continued grant funds from the Department are available.
- d) All grantees receiving a grant of more than \$50,000 \$25,000 from the Department shall provide the Department with an independent, certified audit within 180 days after the close of the grantee's fiscal year. Additionally, all grantees shall provide the Department with reports as stipulated in the grant contract and keep fiscal and programmatic records which document the ways in which grant monies were spent and services were rendered. Such required record keeping includes, but is not limited to:
- 1) establishment of financial record keeping which includes:
 - A) Cash Receipts Journal
 - B) Cash Disbursements Journal
 - C) General Journal
 - D) General Ledger

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- E) all cash disbursements and/or expenses must be fully supported by documentation; such as, invoices, time sheets, time studies, or approved cost allocation plans.
- 2) establishment of programmatic compliance record keeping which include:
- individual client files on each client applying for and receiving service.
 - schedule of service provided to each client which includes the date and time service was provided, and the agency's employee providing service.
- e) Disallowable costs for which grant monies may not be used are the same as the disallowable costs set forth in Rate Setting, 89 Ill. Adm. Code 356.60 356-6.

(Source: Amended at 21 Ill. Reg. 15486, effective DEC 1 1997)

Section 360.5 Grants-in-Aid for Day Care (Repealed)

- a) Day-care grants may be provided, as funding is available, for those areas of the state which do not have sufficient day-care resources. The Department provides day care to children of families in stress and crisis; to children of recipients of public assistance; to allow training or employment of the parent; and to children of low-income families to allow employment or training of the parent directed toward achieving the goal of economic self-support. As funding allows, the Department will publish day-care priorities with guidelines requesting grant applications. These priorities will be based upon an assessment of day-care needs.
- b) In order to qualify for funding of a day-care grant, the applicant and the Department shall document in writing:
- The need for the grant in aid as determined by the Department's needs assessment of the area.
 - A program design which includes objectives, goals, scheduled activities and evaluation procedures.
 - The ability of the applicant to deliver the services, and
 - The fact that other funding sources have been developed to the fullest and that these sources will not be diminished if the grant is received.
- c) Day-care grants are not to be used as a substitute for buying days of care through purchase of service.

(Source: Repealed at 21 Ill. Reg. 15486, effective DEC 1 1997)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Planning for Statewide Resource Allocation
- 2) Code Citation: 89 Ill. Adm. Code 326
- 3) Section Numbers: Adopted Action:
326.5 Amend
326.9 Amend
- 4) Statutory Authority: The Children and Family Services Act [20 ILCS 505] and the Abused and Neglected Child Reporting Act [325 ILCS 5].
- 5) Effective Date of Amendments: December 1, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No
- 8) Date Filed in Agency's Principal Office: December 1, 1997
- 9) Notice(s) of Proposal published in Illinois Register: 21 Ill. Reg. 08733
- 10) Has JCAR issued a Statement of Objection to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of amendments: The Department is amending this Part to delete planning responsibility for day care and the Illinois Juvenile Justice Commission as these functions have been transferred to the Department of Human Services. The rules are being further amended to include coordination of services with the Department of Human Services and to update the name of the Division of Specialized Services for Children.
- 16) Information and questions regarding this adopted amendment shall be directed to:

Mr. Jerry B. Crabtree
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
Telephone: (217) 524-1983
TDD: (217) 524-3715

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

E-Mail ORPINFO@POP.state.il.us

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES

SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 326

PLANNING FOR STATEWIDE RESOURCE ALLOCATION

Section	Purpose
326.1	Purpose
326.2	Definitions
326.3	Targeted Statewide Client Populations
326.4	Department Planning Responsibilities
326.5	Department Planning Documents
326.6	Department Budgeting Responsibilities
326.7	Department Evaluation Responsibilities
326.8	Planning and Evaluation of Purchased Services
326.9	Department Coordination of Services with Other Agencies and Illinois Courts
326.10	Community Relations

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505] and the Abused and Neglected Child Reporting Act [325 ILCS 5].

SOURCE: Adopted and codified at 5 Ill. Reg. 6766, effective June 26, 1981; amended at 8 Ill. Reg. 5640, effective April 30, 1984; amended at 21 Ill. Reg.

15491 effective DEC 1 1991.

Section 326.5 Department Planning Documents

- a) The Department shall prepare planning documents required by State and Federal laws and regulations and shall assist, when so required, in the preparation of other such planning documents. In addition to required plans, the Department shall prepare other planning documents to facilitate effective management and judicious allocation of Department resources.

- b) Planning Documents Required by the Federal Government

Planning documents the Department is required by the federal government to prepare or assist in preparing include the following federal requirements of the Social Security Act, as amended, ~~and the Juvenile Justice and Delinquency Prevention Act of 1974 as amended:~~

- 1) The Title IV-B Child Welfare Services Plan (42 U.S.C. 620 et seq.) is prepared annually by the Department as the designated single state agency for IV-B administration. Under Title IV-B, formula grants are allocated to the states for providing and improving child welfare services to children and families in need of services. The Title IV-B plan is required by federal regulations, 45 CFR 1355, 45 CFR 1357, and 45 CFR 1932, issued by the Department of Health and Human Services. It contains a

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

description of all child welfare services to be provided, the geographic areas in which they are available and what is being done to expand, improve and strengthen those services or provide new ones.

- 2) The Title IV-E Foster Care and Adoption Assistance Program Plan (42 U.S.C. 670 et seq.) prepared by the Department as the designated single state agency for IV-E administration. Once the original plan has been submitted and approved by the federal government, the Department need only submit amendments to the plan whenever they are required by the federal government in accordance with 45 CFR 1356.20d, as a result of significant changes in the information or assurances in the plan, or the organization, policies or operations described in the plan.
- 3) The Report on Projected Expenditure for the Title XX Social Services Block Grant prepared by the Illinois Department of Public Aid, the state's designated state agency for Title XX Block Grant administration. The Report shall summarize service programs provided by state agencies pursuant to 45 CFR 96.1-1 et seq. with Title XX Block Grant funding to meet the program goals defined by the Block Grant legislation (42 U.S.C. 1397).
- 4) The annual comprehensive plan to address the State's compliance with Section 223 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601) is prepared by the Department in order to receive its annual formula grant under the provisions of the Act. The Director shall submit the plan to the Illinois Juvenile Justice Commission to address the State's compliance with the Act. The Commission, which is described in 89 Ill. Adm. Code 4207, Department Advisory Council, Illinois Juvenile Justice Commission and Other Statewide and Regional Committees, has the responsibility of review and final approval of the plan. Upon approval by the Commission, the Director shall submit the plan to the federal government. Funds subsequently received by the Department from the federal government are disbursed according to the rules contained in 89 Ill. Adm. Code 3607, Grants-in-Aid.
- e) The Department will make planning documents required by the federal government available for public review and inspection.
- c) Planning Documents Required by the State

The Planning Documents required by the State include the Illinois Human Services Plan (Phase I and Phase II) is a planning document required by the State and the State Plan for Day Care. The annual plan for providing statewide day care services shall be integrated with the Human Services Planning Process and shall be a part of the Human Services Plan. The Human Services Plan is developed in accordance with guidelines issued by the Illinois Bureau of the Budget.

1) The Department shall coordinate and integrate Phase I and II of its Human Services Plans with the Department's assessment of

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) In Phase I, Human Services Data Report, the Department will show the relationship of resource allocation to Department programs and statewide targeted client populations for three fiscal years: the past fiscal year, the current fiscal year, and the next fiscal year. In addition, the Department shall analyze and compare the actual expenditures for the past fiscal year to the planned expenditures, report on expenditures and fiscal projections for the current and prospective fiscal years, and generally describe long-range goals and emerging issues.
- 3) In Phase II of the Human Services Plan, the Department shall analyze a specific program or a series of emerging issues in order to specify service planning initiatives and long-range program goals. In addition, the Department shall include a family impact statement indicating how its actions have strengthened and promoted stability within Illinois families.
- 4) The Department will solicit public comment on both phases of its Human Services Plan in accordance with instructions provided by the Illinois Bureau of the Budget.
- d) The Department will make the final Federal and State planning documents identified in subsections (b) and (c) of this Section available to the public for their review and inspection.
- e) In addition to required plans, the Department will prepare other planning documents to facilitate effective management of the Department and judicious allocation of resources.

(Source: Amended at 21 Ill. Reg. 15491, effective 1/1/80)

Section 326.9 Department Coordination of Services with Other Agencies and Illinois Courts

The Department will report to the Governor at least annually on the extent to which its services have been coordinated with other State state agencies. These agencies shall include the Department of Human Services Mental Health and Developmental Disabilities, the Department of Corrections, the Department of Public Aid, the Department of Public Health, the Illinois State Board of Education, the Division of Specialized Care for Children Exempted Children's Services, and any other State state agencies with whom the Department should coordinate services. The Department shall assess the impact upon its services caused by referrals from other State state agencies, Illinois courts, interstate agreements, and any other sources which necessitate a further need for planning and resource development. Significant issues and planning obstacles shall be identified and remedies proposed as appropriate.

(Source: Amended at 21 Ill. Reg. 15491, effective 1/1/80)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Determination Of Unemployment Contributions
- 2) Code Citation: 56 Ill. Adm. Code 2770
- 3) Section Number: Adopted Action:
2770.110 Amended Section
- 4) Statutory Authority: 820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701.
- 5) Effective Date of the Amendment: January 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this Rule contain an incorporation by reference? Yes
- 8) Date filed in Agency's Principal Office: November 19, 1997
- 9) Notice of Proposal published in Illinois Register: September 5, 1997 at 21 Ill. Reg. 12065
- 10) Has JCAR issued a Statement of Objection to these Rules? No
- 11) Difference between proposal and final version: No changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and purpose of the rules: This amendment to Part 2770 announces the 1998 contribution rates for newly liable employers by classification within their Standard Industrial Code. In keeping with our commitment to the Joint Committee on Administrative Rules, we are also repealing the rates for 1992 as they are no longer needed.
- 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Gregory J. Ramel, Deputy Legal Counsel
Illinois Department of Employment Security
401 South State Street - 7 South
Chicago, IL 60605
312/793-4240

The full text of the Adopted Amendment(s) begin on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER c: RIGHTS AND DUTIES OF EMPLOYERS

PART 2770

DETERMINATION OF UNEMPLOYMENT CONTRIBUTIONS

SUBPART B: STANDARD INDUSTRIAL CLASSIFICATION

Section	Industrial Classification
2770.100	Contribution Rate For Non Experience-Rated Employers
2770.105	Average Contribution Rates By Standard Industrial Classification (SIC) Codes
2770.110	

SUBPART C: ALTERNATIVE BENEFIT WAGE RATIO (Repealed)

Section	Eligibility To Elect The Alternative Benefit Wage Ratio (Repealed)
2770.150	Approval Of Election Of The Alternative Benefit Wage Ratio (Repealed)
2770.155	Adjustment Of Benefit Wage Charges And The Determination Of The Alternative Benefit Wage Ratio (Repealed)
2770.160	Revocation Of Election Of Alternative Benefit Wage Ratio (Repealed)
2770.165	Appeals (Repealed)
2770.170	

SUBPART E: TRANSFER OF BENEFIT WAGES FROM BASE PERIOD TO SUBSEQUENT EMPLOYER (Repealed)

Section	Definitions (Repealed)
2770.400	Application of Base Period Wages (Repealed)
2770.405	Restriction On Benefit Wage Transfers (Repealed)
2770.410	Benefit Wage Transfer Procedural Requirements (Repealed)
2770.415	Petition For Hearing (Repealed)
2770.420	

SUBPART F: BENEFIT WAGE CANCELLATIONS

Section	Effective Date Of Benefit Wage Cancellations Pursuant To Section 1508.1 Of The Act
2770.501	

TABLE A General SIC Classifications

AUTHORITY: Implementing and authorized by Sections 1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700, and 1701 of the Unemployment Insurance Act [820 ILCS 405/1500, 1501, 1503, 1506.1, 1506.2, 1506.3, 1508.1, 1700 and 1701].

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

SOURCE: Emergency rules adopted as 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 550, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 8208, effective May 30, 1984; recodified from 56 Ill. Adm. Code 600: Subpart C at 8 Ill. Reg. 15030; emergency amendments at 8 Ill. Reg. 15088, effective August 8, 1984, for a maximum of 150 days; emergency amendments at 8 Ill. Reg. 21139, effective October 26, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 24117, effective November 30, 1984; amended at 9 Ill. Reg. 4507, effective March 25, 1985; amended at 10 Ill. Reg. 6935, effective April 14, 1986; amended at 10 Ill. Reg. 21683, effective December 15, 1986; amended at 11 Ill. Reg. 9878, effective May 11, 1987; emergency amendments at 12 Ill. Reg. 210, effective January 1, 1988, for a maximum of 150 days, expired May 30, 1988; amended at 12 Ill. Reg. 11213, effective June 20, 1988; amended at 12 Ill. Reg. 12473, effective July 15, 1988; amended at 12 Ill. Reg. 18143, effective October 27, 1988; amended at 12 Ill. Reg. 20477, effective November 28, 1988; amended at 13 Ill. Reg. 11507, effective June 29, 1989; amended at 14 Ill. Reg. 2038, effective January 19, 1990; amended at 14 Ill. Reg. 18280, effective October 30, 1990; amended at 15 Ill. Reg. 172, effective December 28, 1990; amended at 15 Ill. Reg. 8553, effective May 24, 1991; amended at 16 Ill. Reg. 118, effective December 20, 1991; amended at 17 Ill. Reg. 295, effective December 28, 1992; amended at 18 Ill. Reg. 250, effective January 1, 1994; amended at 18 Ill. Reg. 17473, effective January 1, 1995; amended at 20 Ill. Reg. 350, effective January 1, 1996; amended at 21 Ill. Reg. 561, effective January 1, 1997; amended at 21 Ill. Reg. 15496, effective JAN. 1, 1998

SUBPART B: STANDARD INDUSTRIAL CLASSIFICATION

Section 2770.110 Average Contribution Rates By Standard Industrial Classification (SIC) Codes

a) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1992, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	2.9%
10-14	B. Mining	3.8%
15-17	C. Construction	3.5%
20-39	D. Manufacturing	2.8%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.3%
50-51	F. Wholesale Trade	1.5%
52-59	G. Retail Trade	1.6%
60-67	H. Finance, Insurance, Real Estate	1.2%

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

70-89 I. Services 1.3%

91-97 J. Public Administration 1.5%

99 K. Nonclassifiable Establishments 1.8%

b) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1993, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.0%
10-14	B. Mining	3.6%
15-17	C. Construction	3.7%
20-39	D. Manufacturing	2.2%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.2%
50-51	F. Wholesale Trade	1.6%
52-59	G. Retail Trade	1.4%
60-67	H. Finance, Insurance, Real Estate	1.2%
70-89	I. Services	1.3%
91-97	J. Public Administration	1.5%
99	K. Nonclassifiable Establishments	1.8%

b) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1994, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.5%
10-14	B. Mining	4.1%
15-17	C. Construction	4.4%
20-39	D. Manufacturing	2.7%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.6%
50-51	F. Wholesale Trade	2.0%
52-59	G. Retail Trade	1.6%
60-67	H. Finance, Insurance, Real Estate	1.4%
70-89	I. Services	1.5%
91-97	J. Public Administration	1.6%
99	K. Nonclassifiable Establishments	1.9%

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

ments

c) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1995, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	4.0%
10-14	B. Mining	4.5%
15-17	C. Construction	5.0%
20-39	D. Manufacturing	3.2%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	3.0%
50-51	F. Wholesale Trade	2.4%
52-59	G. Retail Trade	1.9%
60-67	H. Finance, Insurance, Real Estate	1.7%
70-89	I. Services	1.8%
91-97	J. Public Administration	1.6%
99	K. Nonclassifiable Establishments	2.5%

d) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1996, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.9%
10-14	B. Mining	4.3%
15-17	C. Construction	4.7%
20-39	D. Manufacturing	2.8%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	2.7%
50-51	F. Wholesale Trade	2.2%
52-59	G. Retail Trade	1.7%
60-67	H. Finance, Insurance, Real Estate	1.5%
70-89	I. Services	1.7%
91-97	J. Public Administration	1.6%
99	K. Nonclassifiable Establishments	2.4%

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

ments

e) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1997, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.2%
10-14	B. Mining	3.6%
15-17	C. Construction	3.8%
20-39	D. Manufacturing	1.9%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.9%
50-51	F. Wholesale Trade	1.5%
52-59	G. Retail Trade	1.2%
60-67	H. Finance, Insurance, Real Estate	1.2%
70-89	I. Services	1.2%
91-97	J. Public Administration	1.1%

f) The average contribution rate for each Economic Division, excluding the fund building rate as set forth in Section 1506.3 of the Act, for calendar year 1998, as determined by the application of Section 2770.105(a)(4) of this Part, shall be:

Digits	Economic Division	Rate
01-09	A. Agriculture, Forestry, Fishing	3.1%
10-14	B. Mining	3.4%
15-17	C. Construction	3.5%
20-39	D. Manufacturing	1.9%
40-49	E. Transportation, Communication, Electric, Gas, Sanitary Services	1.9%
50-51	F. Wholesale Trade	1.5%
52-59	G. Retail Trade	1.2%
60-67	H. Finance, Insurance, Real Estate	1.2%
70-89	I. Services	1.2%
91-97	J. Public Administration	1.1%

(Source: Amended at 21 Ill. Reg. 15.136, effective JAN 1 1998)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Collections and Recoveries
- 2) Code Citation: 89 Ill. Adm. Code 165
- 3) Section Numbers: Adopted Action:
165.10 Amendment
165.70 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Act of 1996 (Public Law 104-193).
- 5) Effective Date of Rule(s) (Amendments, Repeal): November 26, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule (amendment, repealer) contain incorporations by reference?
No
- 8) Date Filed in Agency's Principal Office: November 26, 1997
- 9) Notice of Proposal Published in Illinois Register: July 7, 1997 (21 Ill. Reg. 8195)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between proposal and final version: The following change was made in the text of the proposed amendments:
1. In Section 165.70(a), "an" was changed to "a".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? Yes
- 14) Are there any amendments pending on this Part: Yes

Section Numbers Proposed Action Illinois Register Citation
165.104 Amendments 21 Ill Reg. 7836

- 15) Summary and Purpose of Rule(s): Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These amendments make changes in provisions regarding overpayments in connection with TANF.

- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Warner Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772
TTY: (217) 557-1547

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER f: COLLECTIONS

PART 165
COLLECTIONS AND RECOVERIES

SUBPART A: GENERAL OVERPAYMENT PROVISIONS

- Section
165.1 Incorporation By Reference
165.10 Overpayments
165.20 Determination of Financial Assistance Overpayments
165.30 Types of Food Stamp Overpayment Claims
165.40 Determination of Food Stamp Overpayments
165.42 Establishment of Claims for Food Stamp Overpayments
165.50 Suspension and Termination of Food Stamp Claims

SUBPART B: COLLECTION OF FINANCIAL ASSISTANCE
OVERPAYMENTS FROM CURRENT CASES

- Section
165.70 Recoupment of Overpayments from Current Temporary Assistance for Needy Families (TANF), Aid-to-Families-with-Dependent-Children-(AFDC), Aid to the Aged, Blind or Disabled (AABD) and General Assistance (GA) Cases

SUBPART C: COLLECTION OF FOOD STAMP OVERPAYMENTS FROM
CURRENTLY PARTICIPATING HOUSEHOLDS

- Section
165.80 Initiating Collection from Currently Participating Households
165.82 Methods of Food Stamp Claim Repayment
165.84 Determination of Monthly Benefit Reduction Amount
165.86 Failure to Respond to Initial Demand Letter
165.88 Failure to Comply with Repayment Schedule

SUBPART D: COLLECTION OF OVERPAYMENTS FROM NON-RECIPIENTS

- Section
165.100 Collection of Overpayments from Persons Not Receiving Financial Assistance or Food Stamps
165.102 Demand for Repayment
165.104 Methods of Involuntary Repayment
165.106 Effect of Return to Active Assistance Status

AUTHORITY: Implementing and authorized by Sections 11-18, 12-4.4 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-18, 12-4.4 and 12-13].

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

SOURCE: Recodified from 89 Ill. Adm. Code 102.100 and 102.110 and 89 Ill. Adm. Code 121.200 through 121.208 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 10604, effective May 29, 1987; amended at 12 Ill. Reg. 18192, effective November 4, 1988; amended at 13 Ill. Reg. 3843, effective March 17, 1989; amended at 17 Ill. Reg. 8187, effective May 24, 1993; amended at 17 Ill. Reg. 18113, effective September 29, 1993; emergency amendment at 20 Ill. Reg. 13376, effective October 1, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3151, effective February 28, 1997; emergency amendment at 21 Ill. Reg. 8607, effective July 1, 1997, for a maximum of 150 days; recodified at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15502, effective NOV 26 1997.

SUBPART A: GENERAL OVERPAYMENT PROVISIONS

Section 165.10 Overpayments

An overpayment is financial assistance, food stamp benefits, Food--Stamp Coupons, or both, issued in error to or in behalf of a client. The Illinois Department of Public Aid (Department) shall initiate action to recover all overpayments, whether or not a client is currently eligible for financial assistance, food stamp benefits, Food--Stamp-Coupons or both.

a) If a person currently receives assistance of the type in which the overpayment occurred, the overpayment shall be collected under Subparts B or C, as the case may be, of this Part.

b) If a family currently participating in the Temporary Assistance for Needy Families (TANF) program has received an overpayment of AFDC or TANF, and has not repaid the money, the overpayment shall be collected under Subparts B or C, as the case may be, of this Part.

c) If a person (including a person who receives only medical assistance) does not currently receive assistance of the type in which the overpayment occurred, the overpayment shall be collected under Subpart D of this Part.

(Source: Amended at 21 Ill. Reg. 15502, effective NOV 26 1997.)

SUBPART B: COLLECTION OF FINANCIAL ASSISTANCE
OVERPAYMENTS FROM CURRENT CASES

Section 165.70 Recoupment of Overpayments from Current Temporary Assistance for Needy Families (TANF), Aid-to-Families-with-Dependent-Children-(AFDC), Aid to the Aged, Blind or Disabled (AABD) and General Assistance (GA) Cases

a) When the Department determines that a TANF AFDC, AABD or GA assistance unit has received assistance to which it is not entitled, the Department shall recoup the overpayment from:

- 1) the current assistance grant; or
- 2) the assistance grant case that now contains the former grantee of the overpaid assistance case; or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 3) the assistance grant case that now contains any adult member of the overpaid assistance case.
- b) The entire overpayment will be recouped in as short a time as possible. For AABD and GA cases ~~However~~, the amount to be deducted for any one month shall not reduce the family's or individual's total income and assets to an amount less than 90% of the respective payment standard for a family or individual of that size with no income. (For overpayments due to the receipt of duplicate warrants, see 89 Ill. Adm. Code 117.20.)
- c) For TANF AFDC and GA cases, the family's or individual's total income shall include all gross earned income, less the earned income disregard and child care deduction if applicable, all unearned income, and all assistance payments. For AABD, total income shall include net earned income, all unearned income, and all assistance payments. Families participating in the TANF program who have received an overpayment of AFDC or TANF, and have not repaid the money, will have the overpayment recouped from the TANF payment. The amount to be deducted for any one month shall not reduce the family's or individual's total income and assets to an amount less than 90% of the applicable assistance payment level with a \$75 monthly maximum deduction. (For overpayments due to the receipt of duplicate warrants, see 89 Ill. Adm. Code 117.20.)

(Source: Amended at 21 Ill. Reg. 15502, effective NOV 26 1997)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Crisis Assistance
- 2) Code Citation: 89 Ill. Adm. Code 116
- 3) Section Numbers: Adopted Action:
116.400 Repeal
116.500 Amendment
116.510 Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).
- 5) Effective Date of Rulemaking: November 26, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 26, 1997
- 9) Notice of Proposal Published in Illinois Register: July 7, 1997 (21 Ill. Reg. 8197)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: The following changes were made in the text of the proposed amendments:
1. In Section 116.500(a)(4), "because of lost or stolen cash" was deleted.
 2. In Section 116.500(a)(5), "fire, flood, other disaster, or lost or stolen cash which does not render the family homeless and cannot be met".
 3. Section 116.500(a)(6) was revised as follows:

"As a result of documented theft or documented loss of cash, the family is deprived of food or essential clothing or the family is deprived of shelter or immediately threatened with deprivation of shelter as evidenced by a court order requiring immediate eviction due to nonpayment of rent."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

13) Will this rulemaking replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These amendments repeal the Emergency Assistance Program and the Crisis Assistance Program and revise Crisis Assistance Payment in connection with TANF.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Mrs. Susan Warner Weir, Bureau Chief
Address: Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone: (217)785-9772
TTY: (217)557-1547

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 116

CRISIS ASSISTANCE

Section

- 116.10 Incorporation By Reference
- 116.400 Crisis Assistance Programs (Repealed)
- 116.500 Crisis Assistance Payments Special Assistance Program
- 116.510 Emergency Assistance Program (Repealed)
- 116.520 Hardship Program (Repealed)

AUTHORITY: Implementing Articles III, IV, and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI and 12-13].

SOURCE: Filed and effective December 30, 1977; amended at 4 Ill. Reg. 13, p. 1287, effective March 17, 1980; amended at 5 Ill. Reg. 12722, effective October 28, 1981; codified at 7 Ill. Reg. 5195; emergency amendment at 9 Ill. Reg. 18154, effective November 15, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 11027, effective June 11, 1986; amended at 11 Ill. Reg. 6487, effective March 17, 1987; amended at 12 Ill. Reg. 14207, effective August 30, 1988; amended at 13 Ill. Reg. 3847, effective March 10, 1989; amended at 14 Ill. Reg. 16970, effective September 30, 1990; amended at 15 Ill. Reg. 16719, effective November 1, 1991; emergency amendment at 15 Ill. Reg. 16772, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 5350, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 13961, effective September 1, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 1078, effective January 15, 1993; amended at 17 Ill. Reg. 19188, effective October 25, 1993; amended at 19 Ill. Reg. 7895, effective June 5, 1995; amended at 19 Ill. Reg. 16852, effective December 11, 1995; emergency amendment at 21 Ill. Reg. 8612, effective July 1, 1997, for a maximum of 150 days; recodified at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15507, effective

NOV 26 1997

Section 116.400 Crisis Assistance Programs (Repealed)

- a) The Department administers Crisis Assistance Programs which include the Special Assistance Program and the Emergency Assistance Program.
- b) The following groups of families are eligible for the Special Assistance and Emergency Assistance Programs:
 - 1) Families that receive aid to families with dependent children (AFDC); financial assistance or who meet all the eligibility criteria of the AFDC program (see 89 Ill. Adm. Code 112) (Section 4-12 of the Illinois Public Aid Code (305 ILCS 5/4-12))
 - 2) Families ineligible for AFDC financial assistance that contain

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- a--child-under-age-21-and-meet-the-financial-eligibility-criteria of the APBE program--However, families-ineligible-for-APBE-are not-eligible-for-Special-Assistance-for-non-medical-needs-related to-essential-medical-care;
- 3) Pregnant-women-whose-pregnancy-has-been-medically-confirmed-who would-be-eligible-for-the-APBE-program-if-the-child-were-born (Section 4-12 of the Illinois Public Aid Code (305-IbES-5/4-12)) and
- 4) Children-and-families-who-receive-services-from-the-Department-of Children-and-Family-Services-(DCFS);
- c) Assistance-provided-through-any-of-the-Crisis-Assistance-Programs shall-not-be-considered-as-income-in-computing-the-regular-assistance grant;
- d) Assistance-is-provided-only-if-the-destitution-or-need-did-not-arise from-a-refusal-without-good-cause-to-accept-employment-or-training-for employment;

(Source: Repealed at 21 Ill. Reg. 15507, effective NOV 26 1997)

Section 116.500 Crisis Assistance Payments Special Assistance Program

- a) A crisis special assistance payment may be provided to TANF recipients, as per Section 9-12 of the Illinois Public Aid Code (305 ILCS 5/9-12), in the following situations:
- 1) The family is rendered homeless or is threatened with homelessness as a result of a fire, flood or other natural disaster.
 - 2) The family has an eviction or a court order to vacate the premises for reasons other than non-payment of rent.
 - 3) A spouse and child have left the residence occupied by a spouse who was physically abusing the now homeless spouse or child.
 - 4) The family is deprived of essential items of furniture and/or clothing by fire, flood or other natural disaster. (Section 4-12 of the Illinois Public Aid Code, III-Rev-Stat-1997, ch. 237 par. 4-12) (305-IbES-5/4-12)
 - 5) The family is deprived of food as a result of the family is deprived of food as a result of fire, flood or other disaster which does not render the family homeless and cannot be met through the food stamp program. through the food stamp program. Food cannot be authorized for replacement of lost or stolen food stamps.
 - 6) As a result of documented theft or documented loss of cash, the family is deprived of food or essential clothing or the family is deprived of shelter or immediately threatened with deprivation of shelter as evidence by a court order requiring immediate eviction due to nonpayment of rent. The family is threatened with dissolution of the family unit by economic necessity as evidenced

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

by a decision by the Illinois Department of Children and Family Services (DCFS) that the child will have to be placed in a foster home setting if the economic crisis is not alleviated.

7) The family has non-medical needs related to essential medical care. Non-medical needs for essential medical care are needs associated with the provision of specialized or essential medical care and include the following:

- A) Food - when overnight lodging is required or when extensive travel is required during the day in order to obtain essential or specialized medical care.
- B) Lodging - when overnight lodging is required to obtain essential or specialized medical care.
- C) Transportation to the source of essential or specialized medical care when it cannot be provided by the Medical Assistance Program or some other source. Transportation expenses for routine office visits associated with normal medical care shall not be allowed.

b) Payment shall be made for the following items when the recipient has demonstrated a need for such an item:

- 1) One month's rent;
- 2) Food (minus the amount of available food stamps);
- 3) Essential clothing:

A) Essential clothing is defined as those articles of clothing appropriate for the season which the recipient would have purchased with the money which is lost or stolen;

B) If everyone in the assistance unit has at least one full set of clothing, appropriate to the season, this allowance for clothing will not be authorized;

- 4) Household supplies;
 - 5) Essential household furnishings; and
 - 6) Non-medical needs related to essential medical care.
- Eligibility for non-medical needs related to essential medical care is determined through the verification of a specialized or essential medical need. The verification of a specialized or essential medical need is provided by the client's doctor.

c) Maximum Payments

- 1) Shelter Costs: (One month's rent) not to exceed \$250.
Group-I-Counties-\$142-00
Group-II-Counties-\$223-00
Group-III-Counties-\$87-00
(See-09-111-Adm-Code-113-258-for-County-Groups)
- 2) Clothing, Household Supplies

Size of Assistance Unit	Clothing	Household Supplies
1	\$ 34.00	\$11.00

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2 \$ 58.00 \$14.00
- 3 \$ 92.00 \$17.00
- 4 \$117.00 \$17.00
- 5 \$146.00 \$20.00
- 6 \$174.00 \$20.00
- 7 \$204.00 \$22.00
- 8 \$233.00 \$22.00
- 9 \$261.00 \$23.00
- 10 \$291.00 \$24.00
- 3) Food - \$5 \$2-00 per person per day until the receipt of the next regular payment warrant (AFBE-recipients) or until recipient of regular source of income or receipt of food stamps (non-APBE recipients) not to exceed 30 days.

4) Household Furnishings

- A) Kitchen table - \$50 (one per assistance unit)
- B) Kitchen Chair - \$10 (one per person in assistance unit)
- C) Beds - to ensure adequate sleeping facilities for all members of the assistance unit.

- i) Bed frame - \$30
- ii) Single mattress and springs - \$70
- iii) Double mattress and springs - \$100
- iv) Bunk beds (including mattresses and springs) - \$130
- v) Crib (including mattress) - \$65

5) Non-Medical Needs Related to Essential Medical Care

- A) Food - \$9 a day or \$3 per meal.
- B) Lodging - Lodging expenses shall be approved for the least expensive rate which provides lodging that is adequate and available to meet the individual's needs. Payment will not be provided for a higher amount if it can be determined that lodging is available free of charge or at a lower rate.
- C) Transportation - When transportation cannot be provided by the Medical Assistance Program, transportation expenses shall be approved for the least expensive mode of transportation adequate to meet the individual's needs. When transportation is by private automobile, the allowable rate shall be at 14¢ per mile.

d) Time Limits

- 1) For families already receiving financial assistance: A decision on a request for Special Assistance shall be made within five (5) work days of the date of request. Assistance shall be authorized within two (2) work days following the decision.

2) For families not already receiving financial assistance:

- A) five (5) work days shall be allowed for the client to provide necessary verifications, and five (5) work days shall be allowed to determine eligibility.
- B) Assistance shall be authorized within five (5) work days of a determination of eligibility.

e) Program Restriction

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

The recipient may only receive special assistance during one period of thirty (30) consecutive days in any twelve (12) consecutive months. This may include payments to meet needs which occur before or extend beyond the thirty (30) day period. However, this provision does not apply to non-medical needs related to essential medical care. Payment for non-medical needs related to essential medical care may be made as often as is necessary regardless of whether the client has received a Special Assistance Payment in the past twelve months. A client may receive a Special Assistance Payment for a reason other than a non-medical need related to essential medical care regardless of whether a Special Assistance Payment for non-medical needs has been made within the past twelve months. For recipients participating in the Homeless Families Support Project, see Section 170.30.

(Source: Amended at 21 Ill. Reg. effective

NOV 26 1997)

1550?

Section 116.510 Emergency Assistance Program (Repealed)

Emergency Assistance may be provided in the following situations:

a) Host or Stolen Cash

When as a result of lost or stolen cash, a family is deprived of food or essential clothing, the following amounts may be authorized:

1) Food - in amounts as specified in Section 116.500(c) and not to exceed the amount of cash which was lost or stolen.

2) Essential clothing - as defined and in amounts as specified in Section 116.500(b) and (c) and not to exceed the amount of cash which was lost or stolen.

b) Court-Ordered Eviction Due to Non-Payment of Rent

When a family is deprived of shelter or threatened with immediate deprivation of shelter due to court order requiring eviction due to non-payment of rent, payment for rent shall, if all eligibility criteria for the Emergency Assistance Program are met, be authorized in an amount not to exceed the following maximums:

Counties	Rent
Group I-Counties	\$142-00
Group II-Counties	\$133-00
Group III-Counties	9-07-00

(See 09 Ill. Adm. Code 113-259 for County Groupings)

c) Emergency Shelter

The Department shall reimburse private and public social service agencies with whom the Department has written agreements for emergency shelter and food provided to recipients. Reimbursement shall be made in amounts and in accordance with those agreements.

- d) Emergency Assistance for BEPS Children and Families:
- 1) Emergency Assistance may be provided for children and families

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- served by DEPS who are in the following situations:
- A) Children who are abused, neglected, dependent or abandoned;
- B) Children who are in emergency situations where continued presence in the home is not in the best interests of the child; and
- C) Children who are at risk of removal from the home because of abuse, neglect or inability of parents to provide care.
- 2) For children and families served by DEPS the following kinds of assistance may be authorized:
- A) Shelter care, relative and non-relative foster care, residential group care or any other appropriate placement for children separated from their parents;
- B) Housing, advocacy, shelter, repairs, utilities, cash assistance, furniture, transportation and other assistance to prevent placement of a child;
- C) Case management, counseling, therapy, psychological testing and evaluation or any other service provided; and
- D) Parenting, education and training, household management, training, homemaker, support services and any other service provided to alleviate emergency condition.
- 3) Program Restrictions--DEPS and Homeless Family Project-Emergency Assistance
- Emergency Assistance for children and families must be authorized within a single 30-day period no less than 12 months after the beginning of the family's last Emergency Assistance period.
- e) Program Restrictions--HPPA-Emergency Assistance
- The recipient may only receive emergency assistance authorized during one period of 30 consecutive days in any 12 consecutive months. This may include payments to meet needs which occur before or extend beyond the 30-day period. For homeless shelter, the maximum duration is 100 days or less as necessary to alleviate the emergency condition. For recipients participating in the Homeless Families Support Project, see Section 170-30.
- f) Time Limits
- 1) A decision shall be made and assistance authorized within the time frames established in Section 116-500(d).
- 2) Payment shall be made to the private and public social services agencies within time limits specified in the written agreements.
- (Source: Repealed at 21 Ill. Reg. 15507, effective NOV 20 1997)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: General Administrative Provisions
- 2) Code Citation: 89 Ill. Adm. Code 10
- 3) Section Numbers: Adopted Action:
- | | |
|--------|-------------|
| 10.101 | New Section |
| 10.110 | New Section |
| 10.120 | New Section |
| 10.130 | New Section |
| 10.140 | New Section |
| 10.210 | New Section |
| 10.270 | New Section |
| 10.280 | New Section |
| 10.281 | New Section |
| 10.282 | New Section |
| 10.284 | New Section |
| 10.290 | New Section |
| 10.295 | New Section |
| 10.300 | New Section |
| 10.310 | New Section |
| 10.320 | New Section |
| 10.330 | New Section |
| 10.340 | New Section |
| 10.350 | New Section |
| 10.360 | New Section |
| 10.370 | New Section |
| 10.380 | New Section |
| 10.415 | New Section |
| 10.420 | New Section |
| 10.430 | New Section |
| 10.438 | New Section |
| 10.440 | New Section |
- 4) Statutory Authority: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13] and Public Act 89-507.
- 5) Effective Date of Rule(s): November 26, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 26, 1997
- 9) Notice of Proposal Published in Illinois Register: July 18, 1997 (21 Ill. Reg. 9395)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 10) Has JCAR Issued a Statement of Objections to this Rule? No
- 11) Difference(s) between proposal and final version: The following changes were made in the text of the proposed amendments:
1. In the Index, "and Aid to the Medically Indigent Special" was deleted from the title of Section 10.438.
 2. Subsections 10.110(b) and (d) were deleted.
 3. In new subsection 10.110(b), a comma was inserted after "invalid".
 4. In new subsection 10.110(c), "Federal" was changed to the lower case and "public assistance programs" was capitalized.
 5. In Section 10.120, the definition for "AFDC" was deleted.
 6. In Section 10.120, in the definition for "Applicant", "is completed requesting assistance" was changed to "requesting assistance is completed".
 7. The definition of "Beneficiary" was added in Section 10.120.
 8. In Section 10.120, in the definition for "Categorically Eligible", "financial needs" was changed to "financial need".
 9. In Section 10.120, in the definition of "Certifying Office", "IDPA local office" was changed to "DHS local office".
 10. In Section 10.120, in the definition for "Dependent Child", commas were added after "child" and "under".
 11. In Section 10.120, listings for "DHS" and "DPA" were added and the listings for "DMHDD" and "DORS" were deleted.
 12. In Section 10.120, in the definition for "Earmarked Income", commas were added after "child" and "assistance".
 13. In Section 10.120, a definition for "Estate" was added.
 14. In Section 10.120, in the definition for "Food Stamp Household or Unit" commas were inserted after "individual" and "others" and "but" was changed to "that".
 15. In Section 10.120, the definitions for "Health Maintenance Organization" and "Healthy Kids" were deleted.
 16. In Section 10.120, a definition for "Heir" was added.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

17. In Section 10.120, the definitions for "HIB", "Intermediate Care Facility" and "Intermediate Care Facility for the Mentally Retarded" were deleted.
18. In Section 10.120, in the definition for "Local Office", "offices which serve" was changed to "office that serves".
19. In Section 10.120, in the definition for "MANG(C)", "who" was added after "but".
20. In Section 10.120, the definitions for "Medicare", "Medichек" and "Prepaid Health Plan" were deleted.
21. In Section 10.120, in the definition for "MediPlan Care", "of Public Aid" was added after "Department".
22. In Section 10.120, in the definition for "OJT", "or AFDC JOBS Program" was deleted.
23. In Section 10.120, the definitions for "Skilled Nursing Facility", "Skilled Nursing Facility for Pediatrics" and "SMIB" were deleted.
24. In Section 10.120, in the definition for "Spendedown", commas were added after "income" and "period".
25. In Section 10.120, the definitions for "Utilization Control" and "Work and Basic Skills Training Program" were deleted.
26. In Section 10.130(a), "medical assistance" was deleted.
27. In Section 10.130(b)(5), "Medicaid assistance is also provided under GA." was added at the end of the Section.
28. Sections 10.130(c), (c)(1), (c)(2), (c)(3), and (e) were deleted.
29. Section 10.140(b)(1), "State" was changed to the lower case, "who" was added after "and", and "\$10.00" was changed to "\$10".
30. Section 10.210, the comma after "clients" was deleted.
31. Section 10.270(c)(4), "Sections 102.80 through 102.82" was changed to "Sections 10.280 through 10.282".
32. Section 10.270(d)(1), "ten day period" was hyphenated.
33. Section 10.270(e), "Aid to Families With Dependent Children" was changed to "Temporary Assistance to Needy Families".

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

34. Section 10.270(e)(2) was revised as follows: "Every recipient who makes a request for Assistance (89 Ill. Adm. Code 116) shall be sent or given a written notice of the disposition of the request within 45 days of the date of the request."
35. All references to "AFDC" were changed to "TANF".
36. Sections 10.270(f)(1)(B)(ii), (iii), (iv) and (vii) were deleted.
37. In new Sections 10.270(f)(1)(B)(ii) and (iii), "step parent" was hyphenated.
38. In Section 10.270(f)(2), "of this Section" was added after "(f)(1)", a comma was added after "GA" and "(see also 89 Ill. Adm. Code 110.30)" was changed to "(see also Section 10.430)".
39. A colon was added at the end of Section 10.270(g).
40. In Section 10.270(g)(2)(A), "Public Aid office" was changed to "DHS office".
41. Sections 10.280(a)(7) and (8) were deleted.
42. In Section 10.281(a), "(10)" was deleted and "his/her" was changed to "his or her".
43. In Section 10.281(c), "(10)" was deleted and "See" was changed to the lower case.
44. In Section 10.282(b), "60 day" was hyphenated.
45. In Section 10.282(c), "which" was changed to "that".
46. In Section 10.284(a), "(See 89 Ill. Adm. Code 112.308 for child care rates.)" was deleted.
47. In Section 10.300(b)(1), "which" was changed to "that".
48. Sections 10.310(a), (a)(1), (a)(2) and (a)(3) were deleted.
49. New Section 10.310(a)(2) was revised as follows:

(2) All medical assistance paid out:

- (A) at any time for a permanently institutionalized recipient whose real property is subject to the Department's lien; or
- (B) except the costs of Community Care Program (CCP) services, prior to October 1, 1993, for a recipient while 65 years of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- age or older; or
- (C) on or after October 1, 1993, for a recipient while 55 years of age or older; or
- (D) for Medicare cost sharing expenses of a Qualified Medicare Beneficiary (QMB).
50. In Sections 10.320(a) and 10.340(b)(2), "permanently institutionalized" was hyphenated.
51. In Section 10.330(a)(1)(B), "permanently institutionalized" was hyphenated and "Section 102.235" was changed to "89 Ill. Adm. Code 102.235".
52. In Section 10.340(b)(2)(A), "institutions" was changed to "institution".
53. In Section 10.340(b)(2)(B), commas were inserted after "recipient" and "institution".
54. In Section 10.360(a), a comma was inserted after "damages".
55. In Section 10.360(b), the Ill. Rev. Stat. citations were replaced with the ILCS cites and "an Act requiring compensation for causing death by wrongful act, neglect or default" was changed to "the Wrongful Death Act".
56. In Section 10.360(d), commas were inserted after "assistance" and "injury" and "which" was changed to "that".
57. In Section 10.360(e), commas were inserted after "client" and "injury".
58. In Section 10.380, "Section 102.270" was changed to "Section 10.370" and "AFDC" was changed to "TANF".
59. In Section 10.380(c), a comma was inserted after "review", "Federal" was changed to the lower case and "(See 89 Ill. Adm. Code 110.20)" was changed to "(See Section 10.420)".
60. In Section 10.380(d), "is" was changed to "are".
61. In Section 10.380(e), "Federal" was changed to the lower case.
62. In Section 10.415, commas were inserted after "indicated" and "writing", "and the Department of Public Aid's" was inserted before "as specified", "VII" was deleted, "Aid to Families with Dependent Children" was changed to "Temporary Assistance for Needy Families" and "the Department's Medical Programs" was changed to "the Department of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Public Aid's Medical Programs".

63. In Section 10.420(a), commas were inserted after "applicant" and "writing", "AFDC" was changed to "TANF", "AMI" was deleted and commas were inserted after "declined" and "writing".

64. In Section 10.420(b), a comma was inserted after "determination".

65. In Section 10.420(b)(4), "Aid to the Families with Dependent Children (AFDC)" was changed to "Temporary Assistance for Needy Families (TANF)".

66. In Section 10.420(b)(5), "Aid to the Medically Indigent (AMI)" was deleted.

67. In Section 10.420(c), "AFDC" was changed to "TANF".

68. In Section 10.420(e), "of" was changed to "after" and commas were inserted after "applicant" and "writing".

69. In Section 10.430(a), "Aid to Families with Dependent Children" was changed to "Temporary Assistance for Needy Families".

70. Section 10.430(b)(2) was revised as follows: "If General Assistance (GA) is approved as a result of termination of Temporary Assistance for Needy Families (TANF) or Aid to the Aged, Blind or Disabled (AABD) assistance or deletion (TANF only) for certain non-financial reasons (see Section 10.270(f), assistance shall be authorized with no gap if an application is filed within 30 days of the notice of termination of TANF or AABD or deletion (TANF only)(see Section 10.270)".

71. In Section 10.430(c), "Section 110.20" was changed to "Section 10.420".

72. In the Section title for Section 10.438, "and Aid to the Medically Indigent Special" was deleted.

73. In Section 10.438, commas were inserted after "criteria" and "status".

74. In Section 10.440(b), "Section 110.20" was changed to "Section 10.420".

12) Have all the changes agreed upon by the agency and JCARR been made as indicated in the agreement letter issued by JCARR? Yes

13) Will this rule replace an Emergency Rule(s) currently in effect? Yes

14) Are there any amendments pending on this Part: No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Rule(s): In conjunction with the formation of the Department of Human Services (DHS), this rulemaking adds provisions from the current rules of the Department of Public Aid (DPA) which need to be utilized by both agencies. To minimize confusion, the numbering of the new Sections has been designed to reflect the numbering of the provisions from which the provisions are taken whenever possible.

Subpart A (Applicability and Definitions) includes the following Sections taken from current provisions of Department of Public Aid rules at 89 Ill. Adm. Code 101. The provisions of Sections 10.120, 10.130 and 10.140 reflect the emergency changes in Sections 101.20, 101.30 and 101.40 which were adopted effective July 1, 1997, for the Temporary Assistance for Needy Families (TANF) program.

New DHS Rules Source in DPA Rules

Section 10.101	Section 101.1
Section 10.110	Section 101.10
Section 10.120	Section 101.20
Section 10.130	Section 101.30
Section 10.140	Section 101.40

Subpart B (Rights and Responsibilities) includes the following Sections taken from current provisions of Department of Public Aid rules at 89 Ill. Adm. Code 102.

New DHS Rules Source in DPA Rules

Section 10.210	Section 102.10
Section 10.270	Section 102.70
Section 10.280	Section 102.80
Section 10.281	Section 102.81
Section 10.282	Section 102.82
Section 10.284	Section 102.84
Section 10.290	Section 102.90
Section 10.295	Section 102.120
Section 10.300	Section 102.200
Section 10.310	Section 102.210
Section 10.320	Section 102.220
Section 10.330	Section 102.230
Section 10.340	Section 102.240
Section 10.350	Section 102.250
Section 10.360	Section 102.260
Section 10.370	Section 102.270
Section 10.380	Section 102.280

Subpart C (Application Process) includes the following Sections taken from current provisions of Department of Public Aid rules at 89 Ill. Adm. Code 110.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

New DHS Rules Source in DPA Rules

Section 10.415 Section 110.15
 Section 10.420 Section 110.20
 Section 10.430 Section 110.30
 Section 10.438 Section 110.38
 Section 10.440 Section 110.40

16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Warner Weir, Bureau Chief
 Bureau of Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East
 3rd Floor, Harris Bldg.
 Springfield, IL 62762
 Telephone number: (217) 785-9772
 TTY: (217) 557-1547

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER a: GENERAL PROGRAM PROVISIONS

PART 10

GENERAL ADMINISTRATIVE PROVISIONS

SUBPART A: APPLICABILITY AND DEFINITIONS

Section	Incorporation by Reference
10.101	Applicability
10.110	Definitions
10.120	Assistance Programs
10.130	Assistance Program Restrictions
10.140	

SUBPART B: RIGHTS AND RESPONSIBILITIES

Section	Rights of Clients
10.210	Notice to Client
10.270	Right to Appeal
10.280	Continuation of Assistance Pending Appeal
10.281	Time Limit for Filing an Appeal
10.282	Child Care
10.284	Voluntary Repayment of Assistance
10.290	Correction of Underpayments
10.295	Recovery of Assistance
10.300	Estate Claims
10.310	Real Property Liens
10.320	Filing and Renewal of Liens
10.330	Foreclosure of Liens
10.340	Release of Liens
10.350	Personal Injury Claims
10.360	Convictions of Fraud - Eligibility
10.370	Single Conviction of Fraud - Administrative Review Board
10.380	

SUBPART C: APPLICATION PROCESS

Section	Local Office Action on Application for Public Assistance
10.415	Time Limitations on the Disposition of an Application
10.420	Approval of an Application and Initial Authorization of Financial Assistance
10.430	General Assistance Approval Provisions
10.438	Denial of an Application
10.440	

AUTHORITY: Implementing Articles I through IX and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. I through IX and 12-13].

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

SOURCE: Emergency rules adopted at 21 Ill. Reg. 9515, effective July 1, 1997, for a maximum of 150 days; adopted at 21 Ill. Reg. 15515, effective NOV 26 1997.

SUBPART A: APPLICABILITY AND DEFINITIONS

Section 10.101 Incorporation By Reference

Any rules or regulations of an agency of the United States or of a nationally recognized organization or association that are incorporated by reference in this Part are incorporated as of the date specified and do not include any later amendments or editions.

Section 10.110 Applicability

- a) This Part applies to activities of the Illinois Department of Human Services and local governmental units in administering those programs and activities authorized by the Illinois Public Aid Code [305 ILCS 5] and any other applicable statutes.
- b) Should any Rule, subdivision, clause, phrase, or provision of this Part be held unconstitutional or invalid for any reason whatsoever, such holdings shall not affect the validity of the remaining portions of this Part.
- c) This Part shall be operative only to the extent that it does not conflict with any Federal law or regulation governing Federal grants to this State for public assistance programs.

Section 10.120 Definitions

"AABD." Aid to the Aged, Blind or Disabled--financial assistance and medical assistance available to individuals who have been determined to be aged, blind or disabled as defined by the Social Security Administration.

"Adequate Consideration." The receipt of goods, monies or services at least in the amount of the fair market value of the property sold.

"Adult Cases." A case in which no child is included in the assistance unit.

"Adverse Action." Any action which reduces food stamp benefits or terminates participation in the food stamp program within a certification period.

"AFDC-F." Medical Assistance for an eligible child under DCFS guardianship.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Agency Error." An action or inaction of the Department resulting in assistance benefits being furnished to or in behalf of a client for which the client is not eligible.

"Applicant." An individual requesting assistance by completion of a signed, written application form or a person in whose behalf a signed written application form requesting assistance is completed.

"Application." A request for assistance by means of a completed, signed designated form. For food stamp purposes, only a name, address and signature are needed on the form.

"Assistance Unit." The individual or individuals living together for whom the Department determines eligibility and, if eligible, provides financial and/or medical assistance as one unit.

"Beneficiary." Any person nominated in a will to receive an interest in property other than in a fiduciary capacity.

"Caretaker Relative." A relative, as specified below, with whom a child must live to be eligible for TANF and who is providing care, supervision and a home for the child.

Blood or adoptive relatives within the fifth degree of kinship:

Father - Mother
 Brother - Sister
 Grandmother - Grandfather (including up to great-great-great)
 Uncle - Aunt (including up to great-great)
 Nephew - Niece (including up to great-great)
 First Cousin
 First Cousin once removed (child of first cousin)
 Second Cousin (child of great-aunt/uncle)

Step-Relatives:

Step-Father - Step-Mother
 Step-Brother - Step-Sister

Person who is or has been married to one of the above relatives.

"Categorical Assistance Programs." TANF, AABD and related MANG programs.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Categorically Eligible." The meeting of all eligibility requirements for a categorical assistance program other than financial need.

"Certification For Food Stamps." Authorization of eligibility of a household for the food stamp program.

"Certification Period." The period of time for which a household is authorized to participate in the food stamp program.

"Certifying Office." The DHS local office or General Assistance unit office responsible for certification of food stamp program participants.

"Child and Family Assistance Case." A General Assistance case in which case eligibility is based on pregnancy or the presence of an eligible child.

"Client." The adult in the family or unit applying for assistance or receiving assistance on behalf of the family.

"Client Error." A client's mistake, misunderstanding, misrepresentation or concealment of information or failure to report information promptly which results in financial and/or medical assistance being paid to or in behalf of a recipient for which the recipient is not eligible.

"Correspondent." A specific individual who has been legally designated to handle the affairs of another individual, that is, parents, court-appointed guardian or conservator.

"Coupon Allotment." The total dollar value of the food stamp coupons that a household is authorized to receive.

"DCFS." Illinois Department of Children and Family Services.

"Department." The Illinois Department of Human Services.

"Dependent Child." A child age 18 or under who is living with a relative. If age 18, the child must be a full-time high school (or equivalent) student.

"Disbursing Order." An invoice voucher form given to a client authorizing a vendor to provide specified goods and/or services.

"Disposition of an Application." The determination of eligibility or ineligibility.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Diverted Income." Earned or unearned income of a parent used to meet the needs of ineligible person or persons, including the parent, their dependent child or children or their spouse.

"DOC." Illinois Department of Corrections.

"DOL." Illinois Department of Labor.

"DPA." Illinois Department of Public Aid.

"Earmarked Income." Income restricted for the use of an individual by court order or by legal stipulation of a contributor. Only income of a child may be considered earmarked for Departmental purposes. The income of an eligible child who has siblings in the home receiving TANF financial assistance cannot be earmarked.

"Earned Income." Remuneration derived through the receipt of wages or salary for services performed as an employee or profits from activity in which the individual is self-employed.

"Effective Date." The date for which case action is authorized.

"Enrolled MANG Participant." Person or unit meeting the nonfinancial factors of eligibility.

"Established Twelve-Month Period." The period of 12 calendar months over which income is compared to the applicable MANG standard.

"Estate." All real and personal property within an individual's estate as provided in Illinois probate law. For a decedent who received benefits under a long term care insurance policy in connection with which assets were disregarded, the term "estate" includes all real and personal property in which the individual had legal title or interest at the time of death (to the extent of such interest), including assets conveyed to a survivor, heir or assignee of the deceased person through joint tenancy, tenancy in common, survivorship, life estate, living trust or other arrangement.

"Expedited Issuance." Authorization of food stamp benefits after the household has been determined to be destitute or to have zero net income.

"Expedited Service." An immediate processing of a food stamp application and determination of eligibility for expedited issuance.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

"FCS." The Food and Consumer Service of the United States Department of Agriculture.

"Final Administrative Decision." A decision made by the Department as a result of an appeal. It either upholds or reverses the appealed action or determines a lack of jurisdiction.

"Financial Assistance." Public Assistance paid in the form of a cash benefit to a recipient for income maintenance needs. Medical assistance and food stamp benefits are not considered financial assistance.

"Financial Factors of Eligibility." Income, assets and Department levels of assistance.

"Financially Eligible." The meeting of all financial factors of eligibility.

"Fiscal Month." Begins on a given day in one calendar month and ends on the day prior to the same given day in the next calendar month.

"Food Coupons." Same as food stamps.

"Food Stamp Benefits." The cash value of benefits that a food stamp unit receives from the program.

"Food Stamp Employment and Training." Employment and training program for food stamp recipients.

"Food Stamp Household or Unit." For purposes of the food stamp program, a household or unit is defined as any of the following:

An individual living alone;

An individual living with others, who customarily purchases food and prepares meals for home consumption separate and apart from others;

A group of individuals who live together and customarily purchase food and prepare meals together for home consumption or who, because of their relationship, are required to qualify for food stamps as a unit.

"Full-Time Employment." Employment of 30 hours per week or more.

"GA." General Assistance -- financial and medical assistance

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

available to eligible needy families or individuals who are ineligible to receive assistance through a categorical assistance program.

"GA Community Work and Training Program." A program, applicable to GA outside the City of Chicago only, designed to increase employability of General Assistance recipients through constructive work experience, adult education, vocational training and gainful employment.

"Grant." The total amount of a monthly financial assistance payment.

"Grant Cases." Public assistance cases authorized for financial assistance payments to the recipient.

"Head of Household." The person in whose name application is made for participation in the food stamp program. This person is normally the individual who is the household's primary source of income.

"Hearing." The actual presentation and consideration of the issue under appeal before a hearing officer of the Department.

"Heir." Any person entitled under the statutes to an interest in property of a decedent.

"Initial Prorated Entitlement (IPE)." Financial assistance to cover the period from the initial point of eligibility (application for assistance or initial needs of a person being added to the assistance unit) through two days after the mailing date of the first regular monthly assistance warrant.

"In-Kind Income." Income received by or paid in behalf of an individual in a form other than money.

"Interim Assistance." Assistance furnished to or in behalf of an individual financed totally from State and/or local funds for basic maintenance needs and furnished during the period beginning with the month in which the individual filed an application for Supplemental Security Income (SSI) and for which such individual was found eligible.

"JTPA." Job Training Partnership Act.

"Local Governmental Unit." Every county, city, village, incorporated town or township charged with the duty of providing public aid under General Assistance and County Veterans

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Assistance Commissions providing assistance to indigent war veterans and their families.

"Local Office." Department of Human Services office that serves clients living within a designated geographical area.

"Lump-Sum Payment." An extraordinary or non-recurring income payment received by a client.

"MAG." Medical Assistance Grant cases -- medical assistance paid on behalf of a recipient of financial assistance.

"MANG." Medical Assistance No Grant-cases -- medical assistance paid on behalf of a recipient of categorical assistance who is not receiving financial assistance.

"MANG(AABD)." Medical assistance available to individuals who have sufficient income and assets to meet all maintenance needs other than medical care and who are receiving Supplemental Security Income benefits or who are determined to be aged, blind or disabled by the Department of Human Services.

"MANG(C)." Medical Assistance to Needy Families with Children -- available to families with one or more children who would qualify for TANF on the basis of non-financial eligibility factors but have sufficient income and assets to meet all maintenance needs other than medical care.

"Medicaid." Medical assistance issued by the Department under provisions of Title XIX of the Social Security Act (42 U.S.C. 1396); MAG and MANG.

"Medical Assistance." Medicaid.

"Mediplan Card." A document that identifies individuals for whom the Department of Public Aid will pay for essential medical services and supplies.

"Migrant Worker." Any person residing temporarily in and employed in Illinois who moves seasonally from one place to another for the purpose of employment in agricultural activities, including the planting, raising or harvesting of any agricultural or horticultural commodities and the handling, packing or processing of such commodities on the farm where produced or at the point of first processing.

"OASDI." Old Age, Survivors, and Disability Insurance -- often termed "Social Security".

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

"OJT." On the Job Training programs sponsored through the TANF Program, Food Stamp Employment and Training Program or JTPA.

"Participant." A person taking part in the food stamp program or a Departmental employment and training program.

"Recipient." An individual who receives benefits under an assistance program.

"Specified Relative." Same as caretaker relative.

"Spenddown." The amount by which a client's nonexempt income during the eligibility period exceeds the MANG income and asset standards.

"SSA." The Social Security Administration of the Department of Health and Human Services.

"SSI." Supplemental Security Income--a program administered by the Social Security Administration providing monthly aid to Aged, Blind and Disabled individuals.

"Student." An individual who is enrolled at least half time (as defined by the institution) in any grade school, high school, vocational school, technical school, training program or institution of higher education. Enrollment in a mail, self-study or correspondence course does not meet the definition of a student.

"Supervision." Exercising of responsibility for the child's welfare by the caretaker.

"TANF." Temporary Assistance for Needy Families. Financial and medical assistance available to families with one or more dependent children.

"Temporary Caretaker." Another individual temporarily acting as a caretaker (not included in the assistance unit) when no specified relative is available.

"UI." Unemployment Insurance Benefits.

"Unearned Income." All income other than earned income.

"Vendor Payment." Direct payment to vendors for items or services provided to clients.

"Work Experience." A Department program that provides experience

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

in a job.

Section 10.130 Assistance Programs

- a) The types of assistance programs administered by the Illinois Department of Human Services include: financial assistance and food stamps.
- b) Financial Assistance Programs -- consists primarily of direct cash payments to recipients. The various financial assistance programs are:
 - 1) Aid to the Aged, Blind or Disabled--State Supplemental Payment for aged, blind or disabled persons.
 - 2) Temporary Assistance for Needy Families for families with one or more children.
 - 3) Refugee Resettlement Program (RRP) for refugees from any country.
 - 4) Repatriate Program for United States citizens and their dependents returned from a foreign country by the U.S. Department of State.
 - 5) General Assistance for individuals and families who do not qualify for assistance under the Aid to the Aged, Blind or Disabled (AABD)-State Supplemental Payment (SSP), Temporary Assistance for Needy Families (TANF) or federal Supplemental Security Income (SSI) programs and who meet GA program requirements. Medical assistance is also provided under GA.
- c) Food Stamps -- provides increased food purchasing benefits to recipients. Food stamp benefits are available to individuals who meet the eligibility requirements of the Food and Nutrition Service of the U.S. Department of Agriculture in accordance with the Food Stamp Act of 1977 (7 U.S.C. 2017 et seq.).

Section 10.140 Assistance Program Restrictions

- a) An individual shall be eligible to receive financial assistance under only one of the following types of assistance programs at any one time:
 - 1) Categorical Assistance (TANF or AABD),
 - 2) General Assistance, or
 - 3) Assistance to Refugees, Entrants and Repatriates.
- b) An individual shall be eligible to receive financial and medical assistance in only one case under one assistance program, at any one time, except:
 - 1) An individual who currently receives Categorical Assistance from another state and has established Illinois residence (in accordance with 89 Ill. Adm. Code 112.20, 113.20, 114.20, 120.211, 120.311, or 121.21) may receive Supplemental Categorical Assistance in Illinois when the amount of the Illinois assistance payment level to which the individual is entitled exceeds the amount received from the other state, if the excess is at least

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

\$10.

- 2) An individual who is currently receiving General Assistance shall be eligible to receive GA during the pendency of an application for Categorical Assistance or to receive the difference between the amount of the GA grant and the amount of the Categorical Grant for the month in which the individual is determined eligible for Categorical Assistance.
- c) An individual shall not be eligible to receive food stamps as a member of more than one household at any one time.

SUBPART B: RIGHTS AND RESPONSIBILITIES**Section 10.210 Rights of Clients**

Assistance programs shall be administered in such a way as to afford certain rights to clients and assure that a complete explanation is given of client rights and responsibilities.

Section 10.270 Notice to Client

- a) Every applicant for assistance shall be sent or given a written notice of disposition of the application.
- b) Every recipient for assistance shall be sent or given a written notice whenever assistance is reduced or discontinued.
- c) Notices denying, reducing, or discontinuing assistance shall contain the following information:
 - 1) A clear statement of the action being taken.
 - 2) A clear statement of the reason for the action.
 - 3) A reference to the statute, rule, or policy provision under the authority of which the action is taken. From March 1997 through March 1998, references to provisions of the Department's policy manuals using the numbering system in use in 1996 shall be deemed to be references to the corresponding provisions of the new numbering system introduced in 1997.
 - 4) A complete statement of the client's right to appeal (see subsection (d) below and Sections 10.280 through 10.282).
- d) Timely Notice
 - 1) All notices concerning local office reduction or discontinuance of assistance shall be "timely" except notices to cases in monthly reporting when the adverse action is due to information received on the monthly report or due to failure to submit a complete monthly report. A "timely" notice shall be mailed or given at least ten calendar days prior to the date the reduction or discontinuance will occur, and shall inform the client that if the client files an appeal by the date the reduction or discontinuance will occur, his or her assistance will be continued at its previous level, pending the results of the appeal unless the client specifically requests that the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

assistance benefits not be continued. The notice shall be dated with the date it is mailed or given. (Day one of the ten day period is the day following the date on the notice. Day ten may be no later than the date the reduction or discontinuance will occur.)

- 2) Notices sent concerning reduction or discontinuance of assistance by agency action initiated centrally and notices to cases in monthly reporting when the action is due to information received on the monthly report or due to failure to submit a complete monthly report may be either "timely" or "adequate", as defined by federal regulation. When timely notice is not required and an adequate notice is sent less than ten days before the date of change, the client may receive continued benefits if the appeal is filed within ten days after the date of notice. (See 89 Ill. Adm. Code 112.302.)

e) Temporary Assistance for Needy Families

- 1) Every recipient who makes a written request for a grant increase or a special authorization shall be sent or given written notice of the disposition of the request within 45 days after the date of the request.

- 2) Every recipient who makes a request for General Assistance (89 Ill. Adm. Code 116) shall be sent or given a written notice of the disposition of the request within 45 days after the date of the request.

f) Approval of General Assistance as a result of cancellation of TANF or AABD or reduction of TANF (Applicable Only in City of Chicago)

- 1) A notice of intended cancellation or reduction of benefits is sent to a TANF or AABD recipient, in the City of Chicago, whose assistance is discontinued or a person deleted from the assistance unit (AFDC only) for one of the following reasons:

- A) AABD: no longer blind, disabled.
- B) TANF:
 - i) no longer an eligible child in the home,
 - ii) stepparent's liability sufficient to meet need,
 - iii) stepparent failed to verify income.

- 2) If a recipient from one of the programs listed in subsection (f)(1) of this Section applies for General Assistance (GA) within 30 days after the notice of cancellation or reduction of benefits and if that recipient is determined to be eligible for GA, such benefits shall be authorized with no gap in assistance (see also Section 10.430).

g) Food Stamp households shall be notified:

- 1) If there is no change in benefits following submission of a change report form.
- 2) If food stamp benefits are being reduced or discontinued, the following additional information shall be included on the notice:
 - A) the telephone number of the local DHS office;
 - B) a statement indicating the household's liability for

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

benefits received while waiting for a fair hearing decision, if the decision is adverse to the household; and

- C) a statement indicating the general availability of outside individuals or organizations providing free legal representation and the telephone numbers of those individuals or organizations.

- 3) A notice of approval shall be sent to eligible households by the 30th day following the date of application. If the household is found not eligible to participate, the notice of denial shall be sent by the 30th day following the date of application.

- 4) If the local office cannot act on an application by the 30th day because the case file is incomplete due to a household's delay, a notice of denial shall be sent on the 30th day. However, the household has an additional 30 days to complete the application. If the delay is caused by the local office, a notice of pending status shall be sent to the household by the 30th day.

Section 10.280 Right to Appeal

- a) Any individual who applies for or receives financial or medical assistance, social services or food stamp benefits shall have the right to appeal any of the following:
 - 1) Refusal to accept an application or reapplication;
 - 2) Failure to act on an application within the mandated time period;
 - 3) A decision to deny an application;
 - 4) A decision to reduce, suspend, terminate or in any way change the amount of assistance/food stamps or manner in which it is provided;
 - 5) Failure to make a decision or take appropriate action on any request that the client makes;
 - 6) A decision affecting the basis of issuance of food stamps with which the client disagrees; or
 - 7) An issue of Department policy, if the client is aggrieved by its application.

- b) The appeal may be filed by the client or the client's authorized representative. For food stamp clients, the request for a hearing may be made orally or in writing, and the appeal process is initiated effective with the date of the request.

Section 10.281 Continuation of Assistance Pending Appeal

- a) if an appeal is initiated by the date a reduction or discontinuance will occur or within ten calendar days after the date of the adequate notice, assistance shall be continued at the level in effect prior to the proposed action, pending the results of the fair hearing process, unless the individual specifically requests that his/her assistance benefits not be continued. If the date the reduction or discontinuance will occur or the 10th calendar day is a Saturday,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Sunday or a holiday, the client has until the end of the next work day to file his/her appeal.

- b) If a food stamp household files an appeal as the result of normal expiration of the certification period, or as a result of action taken on the initial or subsequent application, benefits shall not be continued at the previous level.
- c) If a food stamp household timely appeals a suspension from program participation for failure to file a Monthly Report by the date the suspended benefits would have been issued or within ten days from the date of notice of adverse action, whichever is later (see 89 Ill. Adm. Code 121.91(i)), and the household admits that it did not submit the Monthly Report, the household is not entitled to continuation of benefits.

- d) If an individual appeals the Department's decision to initiate a protective payment plan by the date initiation of the plan will occur, the protective payment plan shall not be initiated pending the results of the fair hearing process.

Section 10.282 Time Limit for Filing an Appeal

- a) The right of appeal (except for food stamp cases) must be exercised within 60 calendar days after the date of the Department's action to notify the client. All written notifications to clients are to bear the same date as the date of mailing or delivery. Day one of the 60 day time period shall be the day following:

- 1) The date on a written notification of a decision on an application, reduction, suspension, termination or discontinuance of assistance and/or food stamp benefits, absent definitive evidence to the contrary that the notification was mailed (or delivery attempted) on a different date;
 - 2) The date of the Department's notification of denial of a request or other action that aggrieves the client when that denial or action is other than an application decision or a decision to reduce, suspend or terminate assistance.
- b) The 60 day time limitation does not apply when the Department fails to send a required written notification, fails to take action on a specific request, or denies a request without informing the client.
 - c) Food stamp clients may request a hearing on any action or loss of benefits that occurred in the prior 90 days.

Section 10.284 Child Care

- a) The Department shall authorize payment of child care expenses, if needed, to allow a TANF or AABD (not WANG) client (active, pending, denied, or cancelled case status) to attend an appeal hearing.
- b) The appellant must request the payment no later than 30 days after the hearing.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 10.290 Voluntary Repayment of Assistance

- a) A recipient or former recipient of assistance may voluntarily repay all or part of the assistance provided.
- b) A responsible relative or other person may, in behalf of a recipient or former recipient, repay all or part of the assistance provided.

Section 10.295 Correction of Underpayments

When it is determined that a TANF assistance unit has not received all the assistance to which it is entitled, the Department shall provide retroactive corrective payments when the assistance unit is currently active.

Section 10.300 Recovery of Assistance

- a) By means of claims against the estates of deceased recipients and the estates of their deceased spouses and liens against recipients' real property interests, the Department has a statutory right to recover assistance provided to or in behalf of recipients according to the terms prescribed in this Section.
- b) The Department shall effect its recoveries by one of the following actions:
 - 1) Acceptance of an amount, as settlement, equal to the estimated amount that would be collected if the estate were administered or the lien foreclosed;
 - 2) Administration of the estate; or
 - 3) Foreclosure of the lien.
- c) When the Department has both an estate claim and a real property lien, collection of the claim and lien shall be by one action.

Section 10.310 Estate Claims

- a) The Department's claim against the estate of a deceased recipient or against the estate of the recipient's deceased spouse, regardless of the order of death, shall encompass:
 - 1) All income maintenance assistance paid out at any time; and
 - 2) All medical assistance paid out:
 - A) at any time for a permanently institutionalized recipient whose real property is subject to the Department's lien; or
 - B) All medical assistance paid out, except the costs of Community Care Program (CCP) services, prior to October 1, 1993, for a recipient while 65 years of age or older; or
 - C) All medical assistance paid out on or after October 1, 1993, for a recipient while 55 years of age or older; or
 - D) All medical assistance paid out for Medicare cost sharing expenses of a Qualified Medicare Beneficiary (QMB).
- b) The claim shall apply to assistance provided to or in behalf of a recipient on or after the following dates:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Assistance Program

Effective Date

AABD (Aged) (AABD(A))
 AABD (Blind) and (Disabled)
 (AABD(B) and (D))
 MANG (Aged), (Blind), and (Disabled)
 (MANG(A), (B), and (D))

1963

November 1963

January 1, 1996

c) The Department shall not enforce a claim for medical assistance against any property, real or personal, of a deceased recipient while one or more of the following relatives survives: spouse of decedent, child under 21, or child over 21 who is blind or permanently and totally disabled.

d) The Department shall not enforce a claim for income maintenance assistance against homestead property of a deceased recipient while the homestead is occupied by one or more of the surviving relatives previously specified.

e) To avoid undue hardship, the Department will waive its right to recover from a decedent's estate to the extent a court approves an award for a surviving spouse or dependent child under the Illinois Probate Act (755 ILCS 5). The amount of the recovery waived is equal to the amount of the award or awards. Individuals seeking to obtain an award must file a petition with the probate court having jurisdiction over the decedent's estate. The procedure for providing notice to the survivors of the decedent consists of the filing of the claim. Any appeal action taken by the survivors would be with the probate court.

f) The Department may defer or waive enforcement of its claim for income maintenance assistance if it determines that:

- 1) The deceased recipient is survived by a dependent spouse and minor child or children; or
- 2) Rehabilitative training for employment or other means of self-support for the surviving spouse or children is feasible, and deferment or waiver will facilitate achievement of self-support status and prevent or reduce the likelihood of return to dependency on public assistance of the spouse or children.

Section 10.320 Real Property Liens

The Department's lien against a recipient's real property shall encompass:

- a) all medical assistance paid out at any time for a permanently institutionalized recipient, and
- b) all income maintenance assistance paid to or on behalf of a recipient on or after the following dates:

Assistance Program Effective Date

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

AABD(A)

January 1962

AABD(B) and (D)

November 1963

Section 10.330 Filing and Renewal of Liens

a) The Department shall file a lien against:

- 1) The homestead property owned by:

A) a recipient of AABD; or

B) a permanently institutionalized recipient of MANG(A), (B) or (D), except as provided in 89 Ill. Adm. Code 102.235;

- 2) Any other legal or equitable real property interests, regardless of value, that the recipient possesses unless the property is located outside the State of Illinois; and
- b) The lien shall be renewed every five years by the Department until it is satisfied.

Section 10.340 Foreclosure of Liens

a) The Department may enforce a lien by foreclosure:

- 1) At any time when there is a transfer of a recipient's real property subject to the lien;
- 2) In case of fraud; or
- 3) At the time of the recipient's death.

b) The Department shall defer foreclosure of a lien on homestead property, except in case of fraud, if:

- 1) the property is occupied by the recipient or the recipient's surviving spouse, child under 21, or child over 21 who is blind or permanently and totally disabled; or
- 2) in the case of a permanently institutionalized recipient:
 - A) a sibling of the recipient has resided continuously in the property since at least one year immediately before the date the recipient was admitted to the institution; or
 - B) a child of the recipient who has resided continuously in the property since at least two years immediately before the date the recipient was admitted to the institution establishes that he or she provided care for at least two years before admission that enabled the recipient to live at home rather than in an institution.

Section 10.350 Release of Liens

a) The Department shall release a lien when:

- 1) The Department receives full repayment of the assistance granted subject to the lien;
- 2) A bond is filed, with a surety or sureties acceptable to the Department, that guarantees payment of the amount of the lien;
- 3) The lien was filed in error; or
- 4) A MANG(A), (B) or (D) recipient has been medically discharged

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

from an institution and returns to his or her home on which the Department holds a lien.

b) The Department may also release a lien when:

- 1) It receives the value of the property to which the lien attaches, but its claim for any balance due on the lien is reserved against any of the recipient's subsequently discovered assets;
- 2) The recipient has a dependent spouse and minor children; or
- 3) Rehabilitative training for employment or other means of self-support is feasible where release of the lien would facilitate achievement of self-support status and prevent or reduce the likelihood of a return to dependency on public assistance.

Section 10.360 Personal Injury Claims

- a) Clients who suffer a personal injury and have a potential for recovery of damages as a result of the type or severity of the injury must report such injuries to the Department and take action to collect any damages that may be due.
- b) The Department shall collect payment from personal injury settlements paid in behalf of clients. The Department shall not collect payment from claims covered by the Workers' Compensation Act [820 ILCS 305], the Workers' Occupational Diseases Act [820 ILCS 310] or the Wrongful Death Act [740 ILCS 180].
- c) The Department shall have a charge equal to the total cost of medical assistance provided to an injured individual from the date of the injury to the date of recovery of damages.
- d) If an employable individual receives assistance for himself and/or dependents, the Department's charge shall also include the total cost of cash and medical assistance issued as a result of the injury that was provided for the individual and his dependents from the date of injury to the date of recovery of damages. The Department's charge is for assistance provided for the injured recipient and his dependents even if all persons are not included in a single assistance unit.
- e) Payment received by a client as damages for a personal injury shall be considered nonexempt unearned income after payment of the following expenses:
 - 1) necessary costs of litigation or settlement;
 - 2) the Department's charge;
 - 3) medical costs resulting from the injury and paid by the client; and
 - 4) expenses to repair or replace personal property that was damaged as result of the injury.

Section 10.370 Convictions of Fraud - Eligibility

- a) Multiple Convictions
Any person who has been found guilty of a criminal violation of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Article VIIIA of the Illinois Public Aid Code [305 ILCS 5/Art. VIIIA] or of any law of the United States or another state that is substantially similar to Sections 8A-2 through 8A-5 of Article VIIIA, two or more times, shall be ineligible for assistance under the GA program (in the City of Chicago) or the State AABD program. Children for whom such a person is a caretaker relative shall remain eligible for assistance under this Code.

- b) Single Convictions of \$10,000 or More
Any person who has been found guilty of a criminal violation of Article VIIIA of the Illinois Public Aid Code [305 ILCS 5/Art. VIIIA], who has not previously been convicted of a criminal violation of Article VIIIA and has amassed \$10,000 or more in such criminal violation, shall be ineligible for assistance under the GA program (in the City of Chicago) or the State AABD program for a period of two years following conviction or until the total amount of money, including the value of food stamps, is repaid, whichever first occurs. Children for whom such a person is a caretaker relative shall remain eligible for assistance.

Section 10.380 Single Conviction of Fraud - Administrative Review Board

Except as provided in Section 10.370, any person who has been found guilty of a criminal violation of Article VIIIA of the Illinois Public Aid Code [305 ILCS 5/Art. VIIIA] or of any law of the United States or of any state that is substantially similar to Sections 8A-2 through 8A-5 for violations related to public assistance programs and who has not previously been convicted for a criminal violation of Article VIIIA or of any law of the United States or of any state that is substantially similar to Sections 8A-2 through 8A-5 for violations related to public assistance programs shall be subject to the provisions of this Section upon filing a subsequent application for public assistance under TANF, AABD, Refugee Assistance, or the GA program (in the City of Chicago).

- a) The application will be reviewed by an Administrative Review Board (ARB) prior to approval or disapproval. The ARB shall consist of the Local Office Administrator of the local office where the application is made and a representative of the Zone Office, appointed by the Zone Office Administrator.
- b) The review by the ARB shall be for the purpose of determining the person's eligibility for assistance and to determine whether any additional administrative safeguards are required to prevent any future violations of Article VIIIA.
- c) The review shall be informal. The applicant will be notified, in writing, of the review at least five days in advance. The review will be held in the county where the applicant resides. The applicant may attend the review and may bring other persons to the review to speak on his or her behalf, including an attorney, relatives or friends. The review shall be open to the public, unless the applicant and the ARB determine otherwise. The review shall be held within such a time

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

as not to delay the decision on the application beyond the time allowed under State and Federal law and regulations. (see Section 10.420.)

- d) If the ARB determines the applicant is not eligible for public assistance, based on applicable eligibility factors of the program or programs for which the applicant is applying, the applicant will be notified in the same manner as other applicants. The applicant shall be entitled to appeal any decision of denial. (The grounds for appeal and appeal procedure to be followed are found at 89 Ill. Adm. Code 102 and 104.)
- e) If the ARB determines the applicant is eligible for public assistance, the ARB shall also determine what administrative safeguards, if any, are required to ensure that the person does not commit further violations of Article VIIIA. Such safeguards shall be based on the individual factors of each case and may include, but are not limited to, more frequent home visits, more frequent reports regarding financial or other factors, appointment of a substitute payee, or any other actions that are permitted by State and Federal law and regulations.
- f) The applicant will be notified, in writing, of the decision of the ARB and an explanation of the administrative safeguards required in his or her case. The applicant shall be entitled to appeal any decision of the ARB.
- g) The ARB shall review the necessity for any administrative safeguard every six months. At the review, the necessity to continue or reverse the administrative safeguards will be determined.

SUBPART C: APPLICATION PROCESS

Section 10.415 Local Office Action on Application for Public Assistance

Upon a person's making application for public assistance at a local office, the local office shall consider that person's eligibility for all forms of public assistance according to the appropriate eligibility rules for assistance programs, unless the person has indicated in writing that he or she does not want to apply for certain programs. A signed original application form on which the person indicates the program or programs for which he or she does or does not want to apply constitutes the person's written statement. The words "public assistance" constitute the assistance provided by the Department or DPA as specified in Articles III, IV, V, and VI of the Public Aid Code, namely Aid to the Aged, Blind and Disabled, Temporary Assistance for Needy Families, Refugee Assistance program, the Department of Public Aid's Medical Programs and General Assistance (where administered by the Department). Upon a person's making application for public assistance at a local office, the local office shall also consider that person's eligibility for the United States Department of Agriculture's food stamp program (unless the applicant has indicated in writing that he or she does not want food stamps) and for such other programs as the Department may from time to time be administering pursuant to the laws

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

and regulations of the State and Federal government. A signed original application form on which the person indicates whether he or she wants to apply for food stamps or any other programs that the Department may offer at any given time constitutes the person's written statement.

Section 10.420 Time Limitations on the Disposition of an Application

- a) Within 10 days after a decision is made on an application, the Department shall inform the applicant in writing of the decision. This notice shall contain a decision on each of the following programs for which the recipient may be eligible based on information contained on the application: TANF, Medical Assistance, AABD, GA (City of Chicago), and food stamps. No decision shall be required for any assistance program for which the applicant has expressly declined in writing to apply.
- b) The Department shall send a notification of its determination within the following time periods, calculated from the date of application:
 - 1) Aid to the Aged, Blind or Disabled (Aged)/((AABD)(A)) and related Medical Assistance-No Grant (MANG) - 45 calendar days
 - 2) Aid to the Aged, Blind or Disabled (Blind)/((AABD)(B)) and related MANG - 45 calendar days
 - 3) Aid to the Aged, Blind or Disabled (Disabled)/((AABD)(D)) and related MANG - 60 calendar days
 - 4) Temporary Assistance for Needy Families (TANF) and related MANG - 45 calendar days
 - 5) General Assistance (GA) - 45 calendar days
- c) The time limitation for determining eligibility for TANF may be extended another 45 calendar days when a decision cannot be reached because information necessary for a determination is available only from third parties and such parties fail to respond or delay their response to a request for such information.
- d) The time limitation for determining eligibility for General Assistance may be exceeded only when a decision cannot be reached because of failure or delay on the applicant's part.
- e) The Department shall make a decision on an application for social services within 30 days after the date of application, and shall inform the applicant in writing of its decision within 15 days after the decision.

Section 10.430 Approval of an Application and Initial Authorization of Financial Assistance

- a) Financial assistance (for Aid to the Aged, Blind or Disabled, Interim Assistance and Temporary Assistance for Needy Families) shall be authorized effective from the earlier of:
 - 1) The date of decision on the current application; or
 - 2) Thirty days after the date of application provided the case is eligible on that date.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- b) Financial assistance for General Assistance shall be authorized effective:
- 1) Thirty days following the date of application.
 - 2) If General Assistance (GA) is approved as a result of termination of Temporary Assistance for Needy Families (TANF) or Aid to the Aged, Blind or Disabled (AABD) assistance or deletion (TANF) only) for certain non-financial reasons (see Section 10.270(f)), assistance shall be authorized with no gap if an application is filed within 30 days after the notice of termination of TANF or AABD or deletion (TANF only) (see also Section 10.270).
 - c) If the applicant is determined eligible for financial assistance, the notice (see Section 10.420) shall state the amount of financial assistance to be provided, and a statement of the reasons for any partial grant amounts. Partial grant amount is defined as the maximum grant that a family unit for whom application for public assistance was filed is eligible to receive, less any reductions resulting from the consideration.

Section 10.438 General Assistance Approval Provisions

Temporary assistance shall be authorized in General Assistance cases in which it is verified that an applicant meets all eligibility criteria other than the requirement of citizenship/alienage status and such verification is expected to be received but to take a length of time that would cause undue hardship to the applicant, such that he would be unable to meet his basic maintenance needs of food, shelter and other necessities and the applicant has submitted verification that the required documents have been requested.

Section 10.440 Denial of an Application

- a) An application for public assistance shall be denied if it is established that the applicant does not meet one or more of the eligibility requirements or if the applicant chooses to withdraw the application.
- b) If the applicant is determined ineligible for public assistance, the notice (see Section 10.420) shall include the reason why the applicant is ineligible.
- c) If eligibility cannot be conclusively determined because of the applicant's unwillingness to cooperate in providing essential information or refusal to consent to verification by the local office, or the applicant has not provided sufficient information for a determination of eligibility, the application shall be denied.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- | 1) Heading of the Part: | General Assistance |
|-------------------------|-----------------------|
| 2) Code Citation: | 89 Ill. Adm. Code 114 |
| 3) Section Numbers: | Adopted Action: |
| 114.1 | Amendment |
| 114.101 | New Section |
| 114.108 | Repeal |
| 114.109 | Repeal |
| 114.110 | Repeal |
| 114.111 | Repeal |
| 114.113 | Repeal |
| 114.115 | Repeal |
| 114.117 | Repeal |
| 114.201 | Amendment |
| 114.223 | Amendment |
| 114.226 | Amendment |
| 114.230 | Amendment |
| 114.251 | Amendment |
| 114.252 | Amendment |
| 114.350 | Amendment |
| 114.351 | Amendment |
| 114.352 | Amendment |
| 114.353 | Amendment |
| 114.402 | Repeal |
| 114.450 | Repeal |
| 114.452 | Repeal |
| 114.454 | Repeal |
| 114.456 | Repeal |
| 114.458 | Repeal |
| 114.462 | Repeal |
| 114.464 | Repeal |
| 114.466 | Repeal |
| 114.500 | Repeal |
| 114.504 | Repeal |
| 114.506 | Repeal |
| 114.508 | Repeal |
| 114.510 | Repeal |
| 114.512 | Repeal |
| 114.514 | Repeal |
| 114.516 | Repeal |
| 114.518 | Repeal |

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 5) Effective Date of Rule(s) (Amendments, Repealer): November 26, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule (amendment, repealer) contain incorporations by reference?
No
- 8) Date Filed in Agency's Principal Office: November 26, 1997
- 9) Notice of Proposal Published in Illinois Register: July 7, 1997 (21 Ill. Reg. 8204)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between proposal and final version: The following changes were made in the text of the proposed amendments:
1. "Individuals who do not qualify for TANF solely because of refusal or failure to cooperate with Targeted Work Initiative requirements do not qualify for General Assistance." was added at the end of Section 114.1(a).
 2. New Section 114.101, Persons Ineligible for TANF Due to Time Limits, was added as follows:
- "Persons and families who are ineligible for Temporary Assistance for Needy Families (TANF) due to having reached any maximum time limits for the receipt of TANF benefits, imposed by the Illinois Department of Human Services, shall not be eligible for General Assistance under this Part."
3. Subpart C: Project Advance was repealed.
 4. Section 114.351(c) was revised as follows:
- "For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$50.00 or \$38.00 respectively for each person above 18 or 12."
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? Yes
- 14) Are there any amendments pending on this Part: Yes

Section Numbers Proposed Action Illinois Register Citation

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 114.452 Amendment 21 Ill. Reg. 809
114.454 Amendment 21 Ill. Reg. 809

15) Summary and Purpose of Rule(s):

Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These amendments revise General Assistance provisions in connections with TANF.

16) Information and questions regarding this adopted rule shall be directed to:

Mrs. Susan Warrner Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, IL 62762
(217) 785-9772
TTY: (217) 557-1547

The full text of Adopted Amendment(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 114

GENERAL ASSISTANCE

SUBPART A: GENERAL PROVISIONS

Section

- 114.1 Description of the Assistance Program
 114.2 Determination of Not Employable
 114.3 Advocacy Program for Persons Receiving State Transitional Assistance
 114.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

- 114.9 Client Cooperation
 114.10 Citizenship
 114.20 Residence
 114.30 Age
 114.40 Relationship
 114.50 Living Arrangement
 114.52 Social Security Numbers
 114.60 Work Registration Requirements (Outside City of Chicago only)
 114.61 Individuals Exempt From Work Registration Requirements (Outside City of Chicago only)
 114.62 Job Service Registration (Outside City of Chicago only)
 114.63 Failure to Maintain Current Job Service Registration (Outside City of Chicago only)
 114.64 Responsibility to Seek Employment (Outside City of Chicago only)
 114.70 Initial Employment Expenses (Outside City of Chicago only)
 114.80 Downstate General Assistance Work and Training Programs
 114.85 Downstate General Assistance - Food Stamps Employment and Training Pilot Project
 114.90 Project Chance Participation/Cooperation Requirements (Renumbered)
 114.100 General Assistance Jobs Program (Repealed)
 114.101 Persons Ineligible for TANF Due to Time Limits

SUBPART C: PROJECT ADVANCE

Section

- 114.108 Project Advance (Repealed)
 114.109 Project Advance Participation Requirements of Adjudicated Fathers (Repealed)
 114.110 Project Advance Cooperation Requirements of Adjudicated Fathers (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Project Advance Sanctions (Repealed)

114.111 Project Advance Good Cause for Failure to Comply (Repealed)

114.113 Individuals Exempt From Project Advance (Repealed)

114.115 Project Advance Supportive Services (Repealed)

SUBPART D: EMPLOYMENT AND TRAINING REQUIREMENTS

Section

- 114.120 Employment and Training Requirements
 114.121 Persons Required to Participate in Project Chance (Repealed)
 114.122 Advocacy Program for Persons Who Have Applied for Supplemental Security Income (SSI) Under Title XVI of the Social Security Act (Repealed)
 114.123 Persons in Need of Work Rehabilitative Services (WRS) to Become Employable (Repealed)
 114.124 Employment and Training Participation/Cooperation Requirements (Repealed)
 114.125 Employment and Training Program Orientation (Repealed)
 114.126 Employment and Training Program Full Assessment Process/Development of an Employment Plan (Repealed)
 114.127 Employment and Training Program Components (Repealed)
 114.128 Employment and Training Sanctions (Repealed)
 114.129 Good Cause For Failure to Cooperate With Work and Training Participation Requirements (Repealed)
 114.130 Employment and Training Supportive Services (Repealed)
 114.135 Conciliation and Fair Hearings (Repealed)
 114.140 Employment Child Care (Repealed)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section

- 114.200 Unearned Income
 114.201 Budgeting Unearned Income
 114.202 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
 114.203 Initial Receipt of Unearned Income
 114.204 Termination of Unearned Income
 114.210 Exempt Unearned Income
 114.220 Education Benefits
 114.221 Unearned Income In-Kind
 114.222 Earmarked Income
 114.223 Lump-Sum Lump-Sum Payments
 114.224 Protected Income
 114.225 Earned Income
 114.226 Budgeting Earned Income
 114.227 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
 114.228 Initial Employment

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

114.229 Termination of Employment
 114.230 Exempt Earned Income
 114.235 Recognized Employment Expenses
 114.240 Income From Work/Study/Training Program (Repealed)
 114.241 Earned Income From Self-Employment
 114.242 Earned Income From Roomer and Boarder
 114.243 Earned Income From Rental Property
 114.244 Earned Income In-Kind
 114.245 Payments from the Illinois Department of Children and Family Services
 114.246 Budgeting Earned Income For Contractual Employees
 114.247 Budgeting Earned Income For Non-contractual School Employees
 114.250 Assets
 114.251 Exempt Assets
 114.252 Asset Disregards
 114.260 Deferral of Consideration of Assets (Repealed)
 114.270 Property Transfers (Repealed)
 114.280 Supplemental Payments

SUBPART F: PAYMENT AMOUNTS

Section
 114.350 Payment Levels ~~for General Assistance~~
 114.351 Payment Levels in Group I Counties
 114.352 Payment Levels in Group II Counties
 114.353 Payment Levels in Group III Counties

SUBPART G: OTHER PROVISIONS

Section
 114.400 Persons Who May Be Included In the Assistance Unit
 114.401 Eligibility of Strikers
 114.402 Special Needs Authorizations (Repealed)
 114.403 Institutional Status
 114.404 Retrospective Budgeting
 114.405 Budgeting Schedule
 114.406 Limitation on Amount of General Assistance to Recipients from Other States
 114.420 Redetermination of Eligibility
 114.430 Extension of Medical Assistance Due to Increased Income from Employment
 114.440 Attorney's Fees for VA Appellants
 114.442 Attorney's Fees for SSI Applicants

SUBPART H: CHILD CARE

Section
 114.450
 114.452

Child Care (Repealed)
 Child Care Eligibility (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

114.454 Qualified Provider (Repealed)
 114.456 Notification of Available Services (Repealed)
 114.458 Participant Rights and Responsibilities (Repealed)
 114.462 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
 114.464 Rates of Payment for Child Care (Repealed)
 114.466 Method of Providing Child Care (Repealed)

SUBPART I: TRANSITIONAL CHILD CARE

Section
 114.500 Transitional Child Care Eligibility (Repealed)
 114.504 Duration of Eligibility for Transitional Child Care (Repealed)
 114.506 Loss of Eligibility for Transitional Child Care (Repealed)
 114.508 Qualified Provider (Repealed)
 114.510 Notification of Available Services (Repealed)
 114.512 Participant Rights and Responsibilities (Repealed)
 114.514 Child Care Overpayments and Recoveries (Repealed)
 114.516 Fees for Service for Transitional Child Care (Repealed)
 114.518 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. VI and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10370, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 7, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9909, effective August 5, 1983; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 14747; amended (by adding Section being codified with no substantive change) at 7 Ill. Reg. 16107; amended at 7 Ill. Reg. 16408, effective November 30, 1983; amended at 7 Ill. Reg. 16652, effective December 1, 1983; amended at 8 Ill. Reg. 243, effective December 27, 1983; amended at 8 Ill. Reg. 5233, effective April 9, 1984; amended at 8 Ill. Reg. 6764, effective April 27, 1984; amended at 8 Ill. Reg. 11435, effective June 27, 1984; amended at 8 Ill. Reg. 13319, effective July 16, 1984; amended at 8 Ill. Reg. 16237, effective August 24, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17896; amended at 9 Ill. Reg. 314, effective January 1, 1985; emergency amendment at 9 Ill. Reg. 823, effective January 3, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9557, effective June 5, 1985; amended at 9 Ill. Reg. 10764, effective July 5, 1985; amended at 9 Ill. Reg. 15800, effective October 16, 1985; amended at 10 Ill. Reg. 1924, effective January 17, 1986; amended at 10 Ill. Reg. 3660, effective January 30, 1986; emergency amendment at 10 Ill. Reg. 4646, effective February 3, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 4896, effective March 7, 1986; amended at 10 Ill. Reg. 10681, effective June 3, 1986; amended at 10 Ill. Reg. 11041, effective June 5, 1986; amended at 10 Ill. Reg. 12662, effective July 14, 1986; amended at 10

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 15118, effective September 5, 1986; amended at 10 Ill. Reg. 15640, effective September 19, 1986; amended at 10 Ill. Reg. 19079, effective October 24, 1986; amended at 11 Ill. Reg. 2307, effective January 16, 1987; amended at 11 Ill. Reg. 5297, effective March 11, 1987; amended at 11 Ill. Reg. 6238, effective March 20, 1987; emergency amendment at 11 Ill. Reg. 12449, effective July 10, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 12948, effective August 1, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 18311, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 18689, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18791, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20129, effective December 4, 1987; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 889, effective January 1, 1988; SUBPARTS C, D and E recodified to SUBPARTS E, F and G at 12 Ill. Reg. 2147; Section 114.110 recodified to Section 114.52 at 12 Ill. Reg. 2984; amended at 12 Ill. Reg. 3505, effective January 22, 1988; amended at 12 Ill. Reg. 6170, effective March 18, 1988; amended at 12 Ill. Reg. 6719, effective March 22, 1988; amended at 12 Ill. Reg. 9108, effective May 20, 1988; amended at 12 Ill. Reg. 9699, effective May 24, 1988; amended at 12 Ill. Reg. 9940, effective May 31, 1988; amended at 12 Ill. Reg. 11474, effective June 30, 1988; amended at 12 Ill. Reg. 14255, effective August 30, 1988; emergency amendment at 12 Ill. Reg. 14364, effective September 1, 1988, for a maximum of 150 days; amendment at 12 Ill. Reg. 16729, effective September 30, 1988; amended at 12 Ill. Reg. 20171, effective November 28, 1988; amended at 13 Ill. Reg. 89, effective January 1, 1989; amended at 13 Ill. Reg. 1546, effective January 20, 1989; amended at 13 Ill. Reg. 3900, effective March 10, 1989; amended at 13 Ill. Reg. 8580, effective May 20, 1989; emergency amendment at 13 Ill. Reg. 16169, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 13 Ill. Reg. 16015, effective October 6, 1989; amended at 14 Ill. Reg. 746, effective January 1, 1990; amended at 14 Ill. Reg. 3640, effective February 23, 1990; amended at 14 Ill. Reg. 6360, effective April 16, 1990; amended at 14 Ill. Reg. 10329, effective June 20, 1990; amended at 14 Ill. Reg. 13215, effective August 6, 1990; amended at 14 Ill. Reg. 13777, effective August 10, 1990; amended at 14 Ill. Reg. 17111, effective September 30, 1990; amended at 15 Ill. Reg. 288, effective January 1, 1991; amended at 15 Ill. Reg. 5710, effective April 10, 1991; amended at 15 Ill. Reg. 11164, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 15144, effective October 7, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3512, effective February 20, 1992; emergency amendment at 16 Ill. Reg. 4540, effective March 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 11662, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 13297, effective August 15, 1992; emergency amendment at 16 Ill. Reg. 13651, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14769, effective September 15, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 16276, effective October 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17772, effective November 13, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 18815, effective November 24, 1992; amended at 17 Ill. Reg. 1091, effective January

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

15, 1993; amended at 17 Ill. Reg. 2277, effective February 15, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 3639, effective February 26, 1993; amended at 17 Ill. Reg. 3255, effective March 1, 1993; amended at 17 Ill. Reg. 6814, effective April 21, 1993; emergency amendment at 17 Ill. Reg. 19728, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3436, effective February 28, 1994; amended at 18 Ill. Reg. 7390, effective April 29, 1994; amended at 18 Ill. Reg. 12839, effective August 5, 1994; emergency amendment at 19 Ill. Reg. 8434, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15058, effective October 17, 1995; emergency amendment at 20 Ill. Reg. 4445, effective February 28, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 9970, effective July 10, 1996; emergency amendment at 21 Ill. Reg. 682, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7413, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8652, effective July 1, 1997, for a maximum of 150 days; recodified at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15545, effective NOV 26 1997.

SUBPART A: Description of the Assistance Program

Section 114.1 Description of the Assistance Program

- a) The General Assistance program provides--financial and medical assistance to eligible needy families or individuals who are ineligible to receive assistance through a categorical or Federal Assistance Program. Individuals who do not qualify for TANF solely because of refusal or failure to cooperate with Targeted Work Initiative requirements do not qualify for General Assistance.
- b) General Assistance is provided to eligible families and to pregnant women, as defined in Section 114.400, through the Family and Children Assistance program. Assistance is provided without regard to any limitation on the number of months an eligible family or pregnant woman may receive such benefits.
- c) For Fiscal Year 1992 (July 1, 1991 through June 30, 1992), General Assistance is provided to individual adults, as defined in Section 114.400, through the Transitional Assistance program, with the following limitations:
 - 1) Individuals receiving Transitional Assistance may only receive such assistance for nine calendar months. Receipt of General Assistance or Transitional Assistance for any month in Fiscal Year 1992 (July 1991 through June 1992), shall count towards this limitation.
 - 2) Transitional Assistance shall not be continued pending a final decision in an appeal past the nine month limitation in subsection (c)(1) above, under any circumstances, unless the client has appealed a determination of employability on a timely basis and the hearing is pending on the date the nine month limitation would become effective for that client.
 - 3) Notwithstanding subsection (c)(1) above, eligible individuals may

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

qualify for Transitional Assistance without regard to any limitations on the number of months of eligibility during any time period if the individual is determined to be not employable pursuant to Section 114.2.

- d) Effective July 1, 1995, General Assistance is provided to individual adults, as defined in Section 114.400, through the Transitional Assistance program only for those individuals determined to be not employable pursuant to Section 114.2.
- e) Individuals determined to be not employable under Section 114.2(b)(1) whose disability is based solely on substance addictions (drug abuse and alcoholism) and whose disability would cease were their addictions to end shall not be eligible for cash benefits, but shall only be eligible for medical assistance.
- f) Individuals determined to be not employable under Section 114.2(b)(1) shall be entitled to medical services under 89 Ill. Adm. Code 140.3. All other General Assistance recipients shall be entitled to medical services under 89 Ill. Adm. Code 140.5.

(Source: Amended at 21 Ill. Reg. 15545, effective NOV 26 1997.)

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 114.101 Persons Ineligible for TANF Due to Time Limits

Persons and families who are ineligible for Temporary Assistance for Needy Families (TANF) due to having reached any maximum time limits for the receipt of TANF benefits, imposed by the Illinois Department of Human Services, shall not be eligible for General Assistance under this Part.

(Source: Added NOV 26 1997 at 21 Ill. Reg. 15545, effective NOV 26 1997.)

SUBPART C: PROJECT ADVANCE

Section 114.108 Project Advance (Repealed)

- a) Project Advance is a four-year demonstration program--of--experimental design--operated by the Department--the purpose of the demonstration program is to determine--if--mandatory--participation--in--a--program providing employment--personal--and family management skills--and job development services--for pregnant--or--parenting--AFDC--recipients under--age--20--will--measurably--reduce--the--length-of-time-on-AFDC--Participation-in-Project-Advance-is--mandatory--for--persons--who--are eligible--as-described-in-89-III--Adm--Code--112-06(b)--
- b) Regardless of age, participation is mandatory for any male, who is the adjudicated--father--of--a--child--of--an--experimental-group-participant (see--89--III--Adm--Code--112-06(b))--and--who--receives--financial

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

assistance under the Department's APBG or General Assistance programs. If the adjudicated father is not a recipient of APBG or General Assistance, Project Advance services are available to the adjudicated father, however, participation in Project Advance is not mandatory. As long as Project Advance is in effect, the adjudicated father of a child of an experimental group participant retains that designated return if he leaves the welfare rolls or project area and subsequently returns to the project area or regains eligibility for public assistance.

(Source: Repealed 21 Ill. Reg. 15545, effective 10/1/89)

Section 114.109 Project Advance Participation Requirements of Adjudicated Fathers (Repealed)

- a) Adjudicated fathers (hereinafter referred to as "enrolled participants") must attend a scheduled Project Advance Orientation session. Adjudicated fathers are sent a written notice advising of the scheduled call-in meeting at least seven (7) calendar days prior to such meeting. The Orientation session consists of Project Advance staff providing enrolled participants with an overview of project services, informing them of Project Advance requirements, distributing a copy of the Project Advance handbook and explaining its content.
- b) At the Orientation session, enrolled participants are given a written notice advising that the following week they are scheduled to attend a series of three (3) half-day workshops. Each half-day session is conducted on a different day. At the workshops, enrolled participants receive information on and are afforded the opportunity to discuss topics such as family planning, nutrition, parenting, community resources, the world of work, self-esteem and family health care.
- c) Enrolled participants must attend the Orientation meeting and all of the three (3) half-day workshops referenced in subsection (b) above or notify Project Advance of a good cause to be excused and have their Orientation meeting or workshop rescheduled (see Section 114.113). If an enrolled participant fails to attend an Orientation meeting or a workshop on two separate occasions without good cause, he/she will be sanctioned pursuant to Section 114.111.
- d) After the final workshop, an individual interview is conducted or an appointment for an interview is arranged. At the interview, Project Advance staff will assess the enrolled participant's background, education level, work history as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, family problems, goals and interests, skills, abilities, and needs of each enrolled participant) and based upon that assessment, jointly develop a service plan. Based on that service plan, enrolled participants will be assigned to one or more of the following components:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

1) Life Skills

Enrolled participant's lacking skills such as parenting, home management, daily living, problem solving or socialization skills are assigned to the Life Skills Component. Enrolled participants assigned to this component must attend seminars, meetings and counseling sessions related to parenting and daily living. Additionally, based upon needs identified during the development of the service plan, the enrolled participant may be referred to other services (e.g., mental health, counseling, drug or alcohol abuse, counseling and treatment). If the enrolled participant is referred for services, he/she must accept those services and cooperate as required by the service facility to avoid sanction (see Section 114.111).

2) Education

Enrolled participants currently in school, those wishing to return to school and those not in school but in need of remedial schooling (e.g., express a desire for education, cannot read or write or are functionally illiterate) are assigned to the Education Component. Enrolled participants assigned to this component may be referred to testing, counseling, educational resources and to programs suited to their educational needs. If an enrolled participant is referred to testing, counseling and educational resources, he/she must accept those services and cooperate as required by the service facility to avoid sanction (see Section 114.111). Enrolled participants assigned to this component must participate in a full-time educational program unless a full-time program is not readily available (e.g., a full-time GED program is not available) or a part-time program is the most appropriate (e.g., the enrolled participant only needs a four-hour course to complete his/her education). Curriculum changes can be made only with the prior written approval of the Project Advance worker. Prior approval will be granted when the curriculum change is consistent with the goals of the service plan. Verification of attendance and progress must be provided (i.e., by statements signed by the instructor, educational records and reports prepared at the end of the term).

3) Vocational Training

Enrolled participants who are determined not readily employable with their current skills or employed and in need of further training are assigned to the Vocational Training Component. Enrolled participants in this component may be referred to testing, counseling and vocational training programs such as those offered by Job Training Partnership Act (JTPA), (29-U.S.C. 1501 et seq.) and city colleges, if they meet the requirements of those programs. Enrolled participants must cooperate as required by the vocational training program to avoid sanction (see Section 114.111). Verification of attendance and progress must be provided (i.e., by statements signed by the instructor).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- educational records and reports prepared at the end of the term;
- 4) Employment
- Enrolled participants who are determined to be employable but who are in need of intensified job search skills (they have never sought or held a job or the nature and length of time on the job provided little work experience) or who are determined to need orientation to work or work experience or on the job training in order to prevent deterioration of or to enhance existing skills (they get a better job) are assigned to the Employment Component. Enrolled participants assigned to this component attend project advance's Job Club and work assignments. Additionally, enrolled participants are asked to actively contact employers in their efforts to secure employment. If assigned to project advance's Job Club, enrolled participants must cooperate with that Job Club to avoid sanction (see Section 114.111). If referred to a work assignment, enrolled participants are required to report as scheduled and on time to their work assignment. When they cannot report to their work or they will be later, they must immediately notify their work assignment sponsor. If referred to a job search, enrolled participants will conduct independent job searches (see Section 114.110(a)).
- e) If a need for services other than or in addition to project advance services is determined, the enrolled participant will be assisted in obtaining necessary services or will be referred to the appropriate provider.
- f) Every six (6) months or more frequently depending on the enrolled participant's circumstances, the Project Advance worker shall make personal contact with the enrolled participant to review that enrolled participant's service plan in relation to his/her needs, circumstances and progress.
- g) Every six (6) months or more frequently depending upon the enrolled participant's progress and circumstances, the Project Advance worker shall determine whether to continue or revise the enrolled participant's service plan and/or component assignment.
- h) If the service plan and/or assigned component are not suited to an enrolled participant's needs, the service plan shall be revised with input from the enrolled participant and the Project Advance worker and, if necessary, the enrolled participant shall be assigned to a more suitable component.

(Source: Repealed at 21 Ill. Reg. 15545, effective NOV 26 1997)

Section 114.110 Project Advance Cooperation Requirements of Adjudicated Fathers (Repealed)

- Enrolled participants are required to cooperate with Project Advance by:
- a) Cooperating with Project Advance Cooperation with Project Advance is

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- defined as providing requested information about the enrolled participant's education level, work history as well as any factor affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, family problems) providing complete and accurate information and verifications (e.g., school attendance, day care and transportation) in response to requests from Project Advance staff appearing for scheduled meetings (e.g., Orientation, the three (3) half-day workshops, Life Skills seminars) and complying with the requirements of the Project Advance components identified in Section 114.109. While it is not a cooperation requirement, enrolled participants are encouraged to make job contacts while in the Employment Component (see Section 114.109(d)).
- b) Responding to a job referral of suitable employment (i.e., a written statement referring an enrolled participant to an employer for a specific position);
- c) Accepting a bona fide offer of suitable employment. An enrolled participant must be given the opportunity to explain why an offer of employment was not accepted. A bona fide offer of suitable employment is where:
- i) there was a definite offer of employment substantiated by written confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community based on information obtained from the Department of Employment Security; and
- 2) there are no questions as to the enrolled participant's inability to engage in such employment for physical reasons or because he has no way to get to or from the particular job; and
- 3) there are no questions of working conditions such as risks to health, safety or lack of worker's compensation protection.
- d) Suitable employment must meet the following criteria:
- i) Wages offered must be at least:
- A) the Federal minimum wage;
- B) the State minimum wage;
- C) \$9.35/hour (if neither the Federal nor State minimum wage is applicable);
- 2) If the wages are offered on a piece-rate basis, the amount the enrolled participant can reasonably be expected to earn must equal the wages as outlined in 89 Ill. Adm. Code 112.021(4)(A);
- 3) The enrolled participant may not be required as a condition of employment to join, resign, form or refrain from joining any legitimate labor organization;
- 4) There is no unreasonable degree of risk to the enrolled participant's health and safety;
- 5) The enrolled participant is physically and mentally competent to perform the work;
- 6) The employment must be within reasonable distance of the enrolled participant's residence. Commuting time must not represent more

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

than 25% of the enrolled participant's total time on the job
e.g. 7 no more than two (2) hours commuting time for an eight (8)
hour work day.

e) Enrolled participant's who are part-time employed as defined in 09-III-Adm-111-Adm-Code-112-64(d)(1), must:

1) continue their part-time employment as defined in 09-III-Adm-Code-112-64(d)(1), and

2) not reduce their employment (i.e., voluntarily reducing work hours);

(Source: Repealed at 21 Ill. Reg. 15545, effective
NOV 24 1997)

Section 114.111 Project Advance Sanctions (Repealed)

a) General Assistance recipients who are mandatory Project Advance enrolled participants who without good cause fail to comply with participation/cooperation requirements and/or participation in a service plan will be sanctioned for a period of not less than one (1) month. An enrolled participant remains sanctioned until cooperation is demonstrated. An enrolled participant must demonstrate cooperation by complying with the failed requirement (e.g., keeping an appointment, attending classes).

b) Sanction is the forfeit of financial and medical assistance for a period of not less than one (1) month.

c) In accordance with 09-III-Adm-Code-102-70, a ten (10) day notice of change will be sent to the enrolled participant prior to administering sanction. The sanction period begins on the first day of the payment month immediately following the expiration date of the ten (10) day notice of change and remains in effect at least one (1) month and until the sanctioned enrolled participant demonstrates compliance with program requirements. Reinstatement of the sanctioned enrolled participant to participant's benefits shall occur for the payment month immediately following the end of the demonstrated compliance (i.e., the payment month following the month that cooperation is demonstrated). The sanctioned enrolled participant will be determined to have cooperated if he complied with the requirements (see Sections 114-109 and 114-110 above) that he previously failed/refused to meet.

d) Sanctioning

1) Sanctioning will result from one (1) instance of any of the following:

A) a direct written or verbal refusal by the enrolled participant to participate in the program or activities assigned as part of the agreed upon service plan;

B) missing during a four week period more than two days of employment/education/training or other activity assigned as part of the service plan;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

e) refusing to accept a bona fide offer of suitable employment (see Section 114-110(e) and (d));

B) voluntarily terminating employment or enrollment in an education, training or other activity assigned as part of a service plan;

B) failing to, within seven (7) days from the date of the occurrence, notify Project Advance that participation in employment, training, education or other activity assigned as part of a service plan has been terminated;

F) failing to, by the end of the second response date indicated, respond as instructed to written first and second notices sent, left or given by Project Advance to the participant;

G) failing to, by the end of the seventh (7) day after the date of written request, provide accurate and complete information, documentation and/or verification to the Project Advance worker;

H) fraudulent application for receipt or use of Project Advance social services payments; or

I) failure to comply with the cooperation and participation requirements listed in Sections 114-109 and 114-110;

J) failure/refusal to accept child care transportation, family counseling or other social services or employment and training services such as testing or employment counseling without good cause thereby precluding or interrupting participation or progress in Project Advance; or

K) failure to cooperate with the cooperation and participation requirements listed in Sections 114-109 and 114-110;

2) Sanctioning will result from two of the following instances of non-cooperation with Project Advance:

A) failure/refusal to attend the call in meeting reference in Section 114-109;

B) failure/refusal to attend the Orientation meeting reference in Section 114-109;

C) failure/refusal to attend the workshop(s) reference in Section 114-109;

(Source: Repealed at 21 Ill. Reg. 15545, effective
NOV 26 1997)

Section 114.113 Project Advance Good Cause for Failure to Comply (Repealed)

a) if an enrolled participant has good cause for not complying with Project Advance cooperation and participation requirements financial and medical assistance shall not be discontinued. Examples of good cause include but are not limited to:

1) death in the immediate family;

2) illness or incapacity;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 3) court-required appearance or temporary incarceration;
 4) breakdown in transportation or lack of reasonably available transportation;
 5) sudden and unexpected emergency;
 6) family crisis;
 7) inclement weather; or
 8) an enrolled participant is fired or is forced to terminate employment; education; vocational training; or another assigned activity; in this situation, Project Advance staff shall review the cause for termination to determine if good cause exists or if sanction is warranted.
- b) The Project Advance worker will not require an enrolled participant to document good cause for non-cooperation with the Project Advance requirements unless evidence independent of the explanation of good cause casts doubt on the enrolled participant's explanation.
- c) No enrolled participant shall be denied good cause solely on the basis that he/she failed to notify the Department in advance of a participation requirement.

(Source: Repealed at 21 Ill. Reg. 15545, effective NOV 26 1997)

Section 114.115 Individuals Exempt From Project Advance (Repealed)

- An enrolled participant may be granted exemption from participation in Project Advance if that enrolled participant:
- has a temporary or chronic illness (see 89 Ill. Adm. Code 112.71(a)(2));
 - is residing in a location which is so remote from the Project Advance office or service location that the individual cannot effectively participate in Project Advance (see 89 Ill. Adm. Code 112.71(a)(3));
 - provides full-time care required by another household member;
 - is employed 30 hours or more per week in unsubsidized employment (unsubsidized employment is defined at Section 89 Ill. Adm. Code 112.71(a)(8)) or
 - is enrolled full-time as a volunteer in Service 90-America (VISA) volunteer under Title I of the 1973 Domestic Volunteer Service Act (42 U.S.C. 4951 et seq.) and is receiving public assistance at the time the individual joined VISA.

(Source: Repealed at 21 Ill. Reg. 15545, effective NOV 26 1997)

Section 114.117 Project Advance Supportive Services (Repealed)

Project Advance will provide social services, payments to assist enrolled participants with costs for transportation and supplies needed for participation in activities approved within the service plan, such as school

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

vocational training or job search (see 89 Ill. Adm. Code 112.82).

(Source: Repealed at 21 Ill. Reg. 15545, effective NOV 26 1997)

SUBPART E: FINANCIAL FACTORS OF ELIGIBILITY

Section 114.201 Budgeting Unearned Income

- Budgeting is the method by which nonexempt non-exempt income (see Sections 114.210 and 114.230 for exempt income) is compared to the applicable payment levels (as contained in Sections 114.350 and 114.351 to 114.353) plus additional special needs (see Section 114.402) to determine the amount of the monthly assistance payment for the assistance unit.
- Monthly unearned income of a client is budgeted on the basis of the income which the client reports as received during the budget month (see Section 114.404).
- If a recipient has more than one source of unearned income, the monthly income shall be calculated from all nonexempt non-exempt sources.

(Source: Amended at 21 Ill. Reg. 15545, effective NOV 26 1997)

Section 114.223 Lump-Sum Lump-Sum Payments

- Income received either in the form of a one-time only, payment that does not continue on a regular basis or in the form of a retroactive payment for income that continues on a regular basis is considered nonrecurring lump-sum income (i.e., a lump-sum lump-sum payment). Examples of nonrecurring lump-sum income are retroactive social security payments, retroactive unemployment insurance benefits, personal injury settlements, workers compensation injury settlements, lottery winnings, inheritances and insurance settlements.
- Any portion of the lump-sum payment used to pay for expenses incurred as a result of the lump-sum payment shall be exempt from consideration as nonrecurring lump-sum income as follows:
 - Personal Injury Settlement - That portion of a personal injury payment is exempt which is used to pay for:
 - necessary costs of litigation or settlement, including attorney's fees;
 - the Department's charge (see 89 Ill. Adm. Code Section 102.260);
 - medical costs resulting from the injury and paid by the client;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- D) expenses to repair or replace personal property which was damaged as a result of the injury.
- 2) Workers' Compensation Payment - That portion of a Workers' Compensation payment is exempt which is used to pay for:
- A) necessary costs of litigation or settlement, including attorney's fees;
- B) medical costs resulting from the injury and paid by the client.
- 3) Insurance Payments
- A) Insurance Payments - That portion of an insurance payment received due to loss is exempt when used to:
- i) repair or replace a lost or damaged resource including but not limited to repair or replacement of home, furniture, or clothing lost or damaged in a fire or flood and repair or replacement of a car as a result of an accident or fire;
- ii) pay for the funeral/burial or medical expenses of an insured where the client is the beneficiary of the insured's life insurance policy.
- B) Any insurance proceeds not spent or contracted to be spent as specified in subsection (b)(3)(A) of this Section within 60 days of receipt shall be budgeted as nonrecurring lump-sum income. A payment receipt shall be required as verification of any insurance-related expense claimed as exempt under subsection (b)(3)(A) of this Section.
- c) Lump-sum payments that bring a family's countable resources up to the asset disregard for that family shall also be disregarded. If the assistance unit receives lump-sum payment income in any month which together with all other income received after application of the appropriate income deductions and exemptions of this Part exceeds the applicable standard of need for that unit size (See 89 Ill. Adm. Code Section 114.101), the assistance unit is ineligible for assistance for a specific period of time. The period of time of ineligibility is the whole number of months the total income received by the assistance unit (minus the deductions and exemptions) would meet the applicable standard of need. Any of this income left over after the above calculation shall be considered as income in the first month following the period of ineligibility.
- d) That portion of a lump-sum payment that exceeds the amount that brings the family's countable resources up to the asset disregard is considered as follows:
- 1) If the amount is less than the assistance payment level, the assistance payment for the month following the receipt of the lump-sum payment will be reduced by that amount.
- 2) If the amount is greater than the assistance payment level, the following action will be taken based on the specific amount of the lump-sum payment:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- A) If the amount exceeds the assistance payment level by \$1,000 or less, the family will be ineligible for one month.
- B) If the amount exceeds the assistance payment level by \$1,000 but less than or equal to \$2,000, the family will be ineligible for two months.
- C) One additional month of ineligibility will be added for each \$1,000 increment.
- e) The assistance unit may apply to have the ineligibility period caused by receipt of nonrecurring non-recurring lump-sum income shortened. The ineligibility period shall be shortened in the following situations:
- 1) When the nonrecurring non-recurring lump-sum payment or a portion of the payment becomes unavailable to the family because the family incurs a loss due to fire, flood or natural disaster which occurred during the ineligibility period. That amount of the lump-sum payment the client spends or contracts to spend within sixty (60) days of the fire, flood or natural disaster to repair or replace the lost or damaged property shall be deducted from the lump-sum income when recalculation of the period of ineligibility is recalculated.
- 2) When the nonrecurring non-recurring lump-sum payment or a portion of the lump-sum payment becomes unavailable to the client due to payment of medical expenses which were incurred by a family member and paid in a month during the period of ineligibility caused by receipt of a lump-sum payment. Only those expenses which the Department allows toward meeting spenddown (see 89 Ill. Adm. Code 140.3) shall be considered allowable medical deductions when recalculating the period of ineligibility is recalculated. The allowable medical expenses must have been incurred and paid during the ineligibility period. A payment receipt shall be required as verification.
- 3) When an individual who is otherwise eligible to be included in the assistance unit joins the assistance unit (e.g., newborn return of a child or an adult) during the period of ineligibility caused by receipt of the lump-sum payment, the increased standard of need for the new assistance unit size (See 89 Ill. Adm. Code 114.101) shall be used to recalculate the remaining period of ineligibility for the entire household.
- (Source: Amended at 21 Ill. Reg. 15545, effective NOV 26 1997)

Section 114.226 Budgeting Earned Income

- a) Budgeting is the method by which nonexempt non-exempt income (see Sections 114.210 and 114.230 for exempt income) is compared to the applicable payment levels (as contained in Sections 114.350 and 114.351 to 114.353) plus additional special needs (see Section

ILLINOIS REGISTER 15567 97
DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

does not have control ~~to~~ ~~not available to the client or the responsible relative~~ over the donations or benefits or the disbursement of the donations or benefits and the donations or benefits are not available to the client or the responsible relative.

- b) ~~g~~ The following payments are also exempt:
- 1) The value of any savings in which the money is accumulated from the earnings of a child.
 - 2) Any payment received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b through thru 1989b-8).
 - 3) ~~h~~ Any payment received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c through thru 1989c-8).
 - 4) ~~i~~ Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921.
 - 5) ~~j~~ Disaster relief payments provided by federal, State or local governments or a disaster assistance organization.

(Source: Amended at 21 Ill. Reg. 15545, effective NOV 26 1997)

Section 114.252 Asset Disregards

a) In addition to the exempt assets listed in Section 114.251, the cash value of assets shall be disregarded as follows:
All assets or the cash value of assets other than those listed in Section 114.251 are nonexempt ~~non-exempt~~ and must be considered in determining initial or continued eligibility for assistance and level of assistance payment. If the client has non-exempt assets in excess of one month's needs for the assistance unit, the client is not eligible for GA if the client is not considered homeless, if the client is considered homeless, the client's asset disregard is the same as the TANF APBE asset disregard contained in 89 Ill. Adm. Code 112.152.

- b) For purposes of this Section, an individual is considered homeless if:
- 1) The individual lacks a fixed, regular, and adequate nighttime residence, or
 - 2) The individual has a primary nighttime residence that is any of the following:
 - A) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including temporary shelters, halfway houses, and transitional housing for individuals with mental illness;
 - B) An institution that provides a temporary residence for individuals intended to be institutionalized;
 - C) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

- 14-492) to determine the amount of the monthly assistance payment for the assistance unit.
- b) Monthly earned income of a client is budgeted on the basis of the income which the client reports as received during the budget month (see Section 114.404).
- c) If a recipient has more than one employer, the monthly income shall be calculated from all jobs.

(Source: Amended at 21 Ill. Reg. 15545, effective NOV 26 1997)

Section 114.230 Exempt Earned Income

- a) The first \$50 per month earned income of by a child included in the assistance unit who is a full-time student shall be exempt.
- b) The total amount of exempt income of all such children shall not exceed \$150 per month:
- b) ~~c~~ For adult General Assistance cases the following amounts are exempt:
- 1) the first \$75 of earned income; and
 - 2) an additional \$32 the difference between the standard of need and payment level for three (3) months in a twelve (12) consecutive month period.

(Source: Amended at 21 Ill. Reg. 15545, effective NOV 26 1997)

Section 114.251 Exempt Assets

- a) The following assets are exempt from consideration in determining eligibility for assistance:
- 1) ~~a~~ Homestead property.
 - 2) ~~b~~ Household furnishings.
 - 3) ~~c~~ Clothing and personal effects.
 - 4) ~~d~~ One motor vehicle.
 - 1) One motor vehicle if the equity value does not exceed \$1500.
 - 2) Only one vehicle is exempted per family case. For an adult case not living with a spouse, one vehicle is exempted. For a husband and wife living together, only one vehicle is exempted. If a case(s) has more than one vehicle, the client(s) can choose to exempt one vehicle if the equity value does not exceed \$1500, and apply the equity value of the other vehicle(s) toward the asset disregard.
 - 5) ~~e~~ The principal and interest of a court-ordered trust fund established for a child which, upon petition, the court refuses to release and one-time only payments released for a specific purpose other than the income maintenance needs of the child.
 - 6) ~~f~~ Donations or benefits from fund raisers held for a seriously ill client provided the client or responsible relative of the client

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 21 Ill. Reg. 15545, effective NOV 24 1993)

SUBPART F: PAYMENT AMOUNTS

Section 114.350 Payment Levels for General Assistance

- a) The payment levels for GA cases are flat, monthly standard amounts. The amount for an assistance unit is based on three variables:
- 1) the number in the assistance unit;
 - 2) the presence or absence of an adult in the assistance unit;
 - 3) the grouping of the county in which the assistance unit lives.
- b) All rounding in determining payment levels is done by rounding down to the next whole dollar amount.
- c) Local governmental units which receive state funds and whose administration is thus subject to the Department's supervision may not establish payment levels whose amounts exceed the payment standards established herein without prior permission of the Department. Such permission will be granted only if proper administrative controls and agreements can be established which will insure that the Department will not thereby be required to expend more funds than it would have expended had the payment levels in this Part been employed by the local governmental unit.

(Source: Amended at 21 Ill. Reg. 15545, effective NOV 24 1993)

Section 114.351 Payment Levels in Group I Counties

- a) The following payment levels are established for the GA Program in Group I Counties:
- b) The counties included in Group I are:

Boone	Kane	Ogle
Champaign	Kankakee	Whiteside
Cook	Kendall	Winnebago
DeKalb	Lake	Woodford
Dupage	McHenry	

- 1) Family and Children Assistance Case Payment Levels

SIZE OF ASSISTANCE UNIT	CARETAKER RELATIVE OR RELATIVES
	RELATIVE(S) AND CHILD OR CHILDREN
	CHILD OR CHILDREN
	CHILDREN ONLY
	CHILDREN
	CURRENT
	CURRENT

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1	165	102
2	278	201
3	377	249
4	414	319
5	485	379
6	545	407
7	574	438
8	604	469
9	635	503
10	669	538
11	705	576
12	741	614
13	781	
14	822	
15	866	
16	911	
17	959	
18	1010	

- 2) The Transitional Assistance case payment level in Group I counties is \$100.
- c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$50.00 or \$38.00 respectively for each person above 18 or 12.
- d) As the legislature has determined that payments under the GA program should contain amounts for the purpose of energy assistance and has directed that such amounts be established by rule, the first \$10 of the GA Payment Level in the City of Chicago and for the caretaker Relatives and Children, Family size of 17 and the first \$18 of the GA Payment Level for the caretaker Relatives and Children of other family sizes has been designated as being for the purpose of energy assistance.

(Source: Amended at 21 Ill. Reg. 15545, effective NOV 24 1993)

Section 114.352 Payment Levels in Group II Counties

- a) The following payment levels are established for the GA Program in Group II Counties.
- b) The counties included in Group II are:

Adams	Lee	St. Clair
Bureau	Livingston	Stephenson
Carroll	Logan	Tazewell
Clinton	Macon	Vermilion
Coles	Macoupin	Wabash
DeWitt	Madison	Warren

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Douglas	McDonough	Will
Effingham	McLean	
Ford	Mercer	
Fulton	Monroe	
Grundy	Morgan	
Henry	Moultrie	
Iroquois	Peoria	
Jackson	Piatt	
Jo Daviess	Putnam	
Knox	Rock Island	
LaSalle	Sangamon	

1) Family and Children Assistance Case Payment Levels

SIZE OF ASSISTANCE UNIT	CARETAKER	
	RELATIVE OR RELATIVE(\$)	CHILD OR CHILDREN(\$)
	CURRENT	ONLY
1	160	97
2	269	194
3	365	242
4	403	311
5	471	369
6	529	397
7	557	427
8	588	459
9	619	491
10	651	525
11	685	561
12	721	599
13	760	
14	799	
15	841	
16	886	
17	934	
18	982	

2) The Transitional Assistance case payment level in Group II counties is \$100.

c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$48.00 or \$38.00 respectively for each person above 18 or 12.

d) As the legislature has determined that payments under the GA program should contain amounts for the purpose of energy assistance and has directed that such amounts be established by rule, the first \$5 of the GA Payment Level for Caretaker Relative and Children Family size of 17 and the first \$18 of the GA Payment Level for Caretaker Relatives

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

and--Children--of--other--family--sizes--has--been--designated--as--being--for--the--purpose--of--energy--assistance--

(Source: Amended at 21 Ill. Reg. 15545, effective NOV 20 1997)

Section 114.353 Payment Levels in Group III Counties

- a) The following payment levels level are established for the GA Program in Group III Counties.
- b) The counties included in Group III are:

Alexander	Edgar	Jasper	Montgomery	Shelby
Bond	Edwards	Jefferson	Perry	Stark
Brown	Fayette	Jersey	Pike	Union
Calhoun	Franklin	Johnson	Pope	Washington
Cass	Gallatin	Lawrence	Pulaski	Wayne
Christian	Greene	Marion	Randolph	White
Clark	Hamilton	Marshall	Richland	Williamson
Clay	Hancock	Mason	Saline	
Crawford	Hardin	Massac	Schuyler	
Cumberland	Henderson	Menard	Scott	

1) Family and Children Assistance Case Payment Levels

SIZE OF ASSISTANCE UNIT	CARETAKER	
	RELATIVE OR RELATIVE(\$)	CHILD OR CHILDREN(\$)
	CURRENT	ONLY
1	154	94
2	257	188
3	349	237
4	389	302
5	453	359
6	511	387
7	538	414
8	566	445
9	597	477
10	628	510
11	662	545
12	696	581
13	733	
14	771	
15	812	
16	855	
17	900	
18	948	

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) The Transitional Assistance case payment level in Group III counties is \$100.
- c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$48.00 or \$36.00 respectively for each person above 18 or 12.
- d) As the legislature has determined that payments under the GA program should contain amounts for the purpose of energy assistance and has directed that such amounts be established by rule, the first \$18 of the GA Payment Level for Caretaker-Relatives and Children of all family sizes except the family size of 1 has been designated as being for the purpose of energy assistance.

(Source: Amended at 21 Ill. Reg. 15545, effective NOV 26 1997)

SUBPART G: OTHER PROVISIONS

Section 114.402 Special Needs Authorizations (Repealed)

If the General Assistance unit is determined eligible for an assistance payment, additional payment(s) will be authorized upon request of the client and verification of provision of the service in the following circumstances:

- a) A change in mailing date of the regular warrant creates a period of unmet need;
- b) Correction of an underpayment;
- c) A student who is a junior or senior in high school is included in the assistance unit as an eligible child (applies only to family cases); the allowance is \$15.00 per quarter payable three times a year;
- d) A therapeutic diet allowance is required for an eligible recipient and the diet is prescribed by a physician;

- i) The amounts are:
- A) Dicer--fand--other--chronic--conditions--requiring--a--bland--low residue diet--\$5.95--per month;

B) Diabetic diet--(less than 1700 calories)--\$7.92--per month;

C) Diabetic diet--(1700 calories or more)--\$17.82--per month;

- B) High protein-high calorie-high vitamin--\$12.85--per month;
- 2) Approval of an allowance in a different amount or for a non-standard prescribed diet requires approval of the Department;

- Non-standard diets are approved by the Bureau of Comprehensive Health Services based on the individual needs of the client;
- e) The Department will not use special needs items to determine need in establishing initial or continuing eligibility for GA. Need based on the Payment Level must exist before the consideration of payment for a special need.

(Source: Repealed at 21 Ill. Reg. 15545, effective NOV 26 1997)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART H: CHILD CARE

Section 114.450 Child Care (Repealed)

- a) This Subpart refers only to family cases as defined at 89 Ill. Adm. Code 101.207.
- b) The Department will guarantee child care for children as described in Section 114.235(c)(1);
- i) For each family case requiring such care to the extent that such care is determined by the Department to be necessary for an individual in the family to accept employment or remain employed; and

- 2) For each individual participating in activities provided in Sections 114.124, 114.125, 114.126, and 114.127, including participation in ancillary support services or activities such as life skills training, substance abuse treatment, etc., if the Department has approved the activity (in accordance with Section 114.126) and has determined that the individual is satisfactorily participating (as defined at Section 114.127) in the activity.

(Source: Repealed at 21 Ill. Reg. 15545, effective NOV 26 1997)

Section 114.452 Child Care Eligibility (Repealed)

- a) Child care will be provided for a dependent child as described in Section 114.235(c)(1) of a person receiving General Assistance to allow such individual to participate in education or training and for employment;

- b) Eligibility is also extended to children who meet the criteria in subsection (a) who would be dependent except for benefits under Supplemental Security Income under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or foster care under Title IV-B of the Social Security Act (42 U.S.C. 670 et seq.) and the caretaker relative is also a member of a household receiving General Assistance;

(Source: Repealed at 21 Ill. Reg. 15545, effective NOV 26 1997)

Section 114.454 Qualified Provider (Repealed)

Payment will be made for child care that otherwise meets the requirements of this Subpart and meets applicable standards of State and local law and regulation, including but not limited to licensure requirements promulgated by the Department of Children and Family Services (DCFS) at 89 Ill. Adm. Code Chapter 17, Subchapter 17-1 and Fire Prevention and Safety Requirements promulgated by the Office of the State Fire Marshal at 41 Ill. Adm. Code 1007 and is provided in any of the following:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

a) Day-Care-Center

1) A day-care-center-licensed-by-BEPS-which-regularly-provides-child care-for-less-than-24-hours-per-day.

A) for-more-than-eight-children-in-a-family-home-or

B) for-more-than-three-children-in-a-facility-other-than-a family-home.

2) A day-care-center-exempt-from-licensure-pursuant-to-Section-2-09 of-the-Child-Care-Act-of-1969-(Ill.-Rev.-Stat.-1991-Ch.-237-par. 2212-09)-(225-IBCS-10/2-09).

b) Licensed-Day-Care-Home-or-License-Exempt-Home

1) A licensed-day-care-home-is-any family-home-which-provides-child care-for-less-than-24-hours-per-day,-and-for-more-than-three children-up-to-a-maximum-of-12-children-the-maximum-of-12 children-includes-the-family's-natural-or-adopted-children-and all-persons-under-the-age-of-12.-A-licensed-day-care-home-does not-include-a-home-which-provides-child-care-to-only-children from-the-same-household. (Section-2-10-of-the-Child-Care-Act-of 1969-(Ill.-Rev.-Stat.-1991-Ch.-237-par.-2212-10)-(225-IBCS 20/2-10).

2) A home-exempt-from-licensing-is-a-home-in-which-no-more-than three-unrelated-children-under-the-age-of-12-years,-including-the children-of-the-provider-are-cared-for-at-one-time.-This-home-is not-subject-to-licensing-by-BEPS.

c) Licensed-Group-Day-Care-Home

A-licensed-group-day-care-home-is-a home-where-no-more-than-16 unrelated-children,-including-the-children-of-the-provider,-under-the age-of-12-are-cared-for. (Section-2-20-of-the-Child-Care-Act-of-1969 (Ill.-Rev.-Stat.-1991-Ch.-237-par.-2212-20)-(225-IBCS-10/Art.-2-20)).

d) Relatives-and-Babysitters

1) Care-provided-by-a-relative-in-his-or-her-home-or-in-the-child's home-Relatives-living-in-the-same-home-as-the-child-are-eligible for-payment-with-the-exception-of-the-child's-mother-or-father-or a-person-in-the-same-assistance-grant-as-the-child.

2) Care-provided-by-a-non-relative-in-the-child's-home-provided-the non-relative-is-not-in-the-same-assistance-grant-as-the-child.

(Source: Repealed at 21 Ill. Reg. 15545, effective

NOV 26 1997)

Section 114.456 Notification of Available Services (Repealed)

a) The-Department-will-notify-all-applicants-and-families-receiving General-Assistance-in-writing-and-orally-of-programs-and-supportive services-available-to-them-for-which-they-are-eligible-and-the rights-responsibilities-and-obligations-of-participants-in-the program.

b) The-Department-will-respond-to-a-request-for-child-care-within-45-days from-the-date-the-request-is-received-by-the-Department.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Repealed at 21 Ill. Reg. 15545, effective

NOV 26 1997)

Section 114.458 Participant Rights and Responsibilities (Repealed)

a) Hearings-and-Conciliation

1) Persons-receiving-GA-are-entitled-to-hearings-as-provided-at-09 Ill.-Adm.-Code-104-Subpart-A-as-appropriate,-on-issues concerning-the-appropriateness-of-denial-of-prompt-issuance-of-or-intended-actions-to-discontinue-termination-suspend-or-reduce ongoing-assistance-under-this-Part.-However,-changes-in-the manner-of-payment-for-on-going-child-care-assistance-are-not subject-to-timely-notice-requirements-unless-they-result-in-a discontinuance-suspension-reduction-or-termination-of-benefit or-they-force-a-change-in-child-care-arrangements.

2) Assistance-under-this-Part-will-not-be-continued-at-the-previous level-pending-a-hearing.

b) Child-care-services-received-by-a-family-must-be-reasonably-related-to the-hours-of-training-or-employment.

c) In-cases-more-than-one-type-of-child-care-is-available,-(e-g-7 center,-home,-etc-)-the-care-taker-relative-may-choose-the arrangement.

(Source: Repealed at 21 Ill. Reg. 15545, effective

NOV 26 1997)

Section 114.462 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)

The-Department-will-provide-child-care-for-an-individual-receiving-GA-who-is waiting-to-enter-an-approved-education-or-training-program-Project-Chance component-or-employment.

a) for-a-period-not-to-exceed-two-weeks-or

b) for-a-period-not-to-exceed-one-month-where-child-care-arrangements would-otherwise-be-lost-and-the-subsequent-activity-is-scheduled-to begin-within-that-period.

(Source: Repealed at 21 Ill. Reg. 15545, effective

NOV 26 1997)

Section 114.464 Rates of Payment for Child Care (Repealed)

Rates-of-payment-for-child-care-will-be-made-in-amounts-not-to-exceed-the maximum-rates-per-child-as-established-by-the-BEPS-(see-09-Ill.-Adm.-Code-356).

(Source: Repealed at 21 Ill. Reg. 15545, effective

NOV 26 1997)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 114.466 Method of Providing Child Care (Repealed)

- Child-care may be provided through one of the following methods:
- a) arranging the child-care through eligible providers by use of purchase of service contracts or vouchers;
 - b) arranging with other agencies and community volunteer groups for non-reimbursed child-care; or
 - c) adopting such other arrangements as the Department determines appropriate which facilitate service delivery and do not disadvantage the family receiving the service.

(Source: Repealed at 21 Ill. Reg. 15 545, effective NOV 26 1997)

SUBPART I: TRANSITIONAL CHILD CARE

Section 114.500 Transitional Child Care Eligibility (Repealed)

- a) This Subpart refers only to family cases as defined at 89 Ill. Adm. Code 101-20
- b) The Department will guarantee child-care for each family case whose eligibility for GA benefits has ceased due to increased hours of or earning from employment;
- c) The family must request child-care benefits and provide information necessary for determining eligibility and fees such as income verification, provider information, and ages of children;
- d) The family must have ceased to be eligible for GA on or after October 17, 1989;
- e) A family is eligible to receive Transitional Child Care benefits under this Part to the extent such child-care is necessary to permit a member of a GA family to accept or retain employment if the family otherwise meets the conditions of eligibility;
- f) Eligibility is also provided to children who meet the criteria in subsection (a) above who would be a dependent child except for the receipt of benefits under Supplemental Security Income under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or foster care under Title IV-B of the Social Security Act (42 U.S.C. 670 et seq.) may also be provided child-care to allow the caretaker relative to accept employment or remain employed if the conditions of subsection (a) and Section 114.500 are otherwise met.

(Source: Repealed at 21 Ill. Reg. 15 545, effective NOV 26 1997)

Section 114.504 Duration of Eligibility for Transitional Child Care (Repealed)

- a) Eligibility for transitional child-care begins with the first month for which the family is ineligible for GA as described at Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- b) Families may establish eligibility for transitional child-care in any month of the twelve (12)-month eligibility period and eligibility may be retroactive to the first month for which the family would have been eligible in accordance with subsection (a) above;
- c) If the caretaker relative loses a job with good cause and finds another job, the family can qualify for the remaining portion of the twelve (12)-month eligibility period;
- d) If the family re-establishes eligibility for GA during the twelve (12)-month period, it could qualify for a new twelve (12)-month eligibility period if it meets the other conditions of eligibility.

(Source: Repealed at 21 Ill. Reg. 15 545, effective NOV 26 1997)

Section 114.506 Loss of Eligibility for Transitional Child Care (Repealed)

The family is not eligible for transitional child-care under this Part for any remaining portion of the twelve (12)-month period if the caretaker relative:

- a) terminates employment without good cause;
- b) fails to cooperate with the Department in establishing payments and enforcing child support obligations as set forth at 89 Ill. Adm. Code 160.

(Source: Repealed at 21 Ill. Reg. 15 545, effective NOV 26 1997)

Section 114.508 Qualified Provider (Repealed)

Payment will be made for child-care that otherwise meets the requirements of this Section and meets applicable standards of State and local law and regulation including but not limited to licensure requirements promulgated by BPS at 89 Ill. Adm. Code Chapter 17 Subchapter (e), and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshal at 41 Ill. Adm. Code 1007 and is provided by qualified providers in accordance with Section 114.454.

(Source: Repealed at 21 Ill. Reg. 15 545, effective NOV 26 1997)

Section 114.510 Notification of Available Services (Repealed)

- a) The Department will notify all families at the time they become ineligible for GA of their potential eligibility for transitional child-care services under this Part, in writing and orally as appropriate;
- b) Notification will include information on steps necessary to establish eligibility for benefits and the families rights and responsibilities

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

under-the-program:

(Source: Repealed at 21 Ill. Reg. 15 545, effective NOV 26 1997)

Section 114.512 Participant Rights and Responsibilities (Repealed)

- a) Provision--of--benefits--under--this--Part--are--subject--to--hearing provisions--as--provided--at--89--III--Adm--Code--104--Subpart--A.
- b) Timely--notice--provisions--do--not--apply--to--changes--in--the--manner--of payment--unless--those--changes--result--in--the--discontinuation, suspension, reduction, or termination of benefits, or force--a--change in--child--care--arrangements.
- c) In--cases--where--a--family--appeals--a--decision--by--the--Department--under this--Part,--benefits--will--continue--pending--the--hearing.
- d) Child--care--must--be--reasonably--related--to--hours--of--employment.

(Source: Repealed at 21 Ill. Reg. 15 545, effective NOV 26 1997)

Section 114.514 Child Care Overpayments and Recoveries (Repealed)

Child--care--overpayments--and--recoveries--will--be--conducted--pursuant--to--Section 114-460:

(Source: Repealed at 21 Ill. Reg. 15 545, effective NOV 26 1997)

Section 114.516 Fees for Service for Transitional Child Care (Repealed)

- a) Each--family--that--receives--transitional--child--care--service--under--this Part--must--contribute--toward--the--payment--for--such--child--care--based--on the--family's--ability--to--pay.
- b) Fees--will--be--assessed--in--accordance--with--the--sliding--fee--scale schedule--promulgated--by--BEPF--(see--89--III--Adm--Code--952).

(Source: Repealed at 21 Ill. Reg. 15 545, effective NOV 26 1997)

Section 114.518 Rates of Payment for Transitional Child Care (Repealed)

Rates--of--payment--for--transitional--child--care--will--be--made--in--amounts--not--to exceed--the--maximum--rates--per--child--as--established--by--the--BEPF--(see--89--III--Adm--Code--956):

(Source: Repealed, at 21 Ill. Reg. 15 545, effective NOV 26 1997)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Recipient Rights

2) Code Citation: 59 Ill. Adm. Code 111

3) Section Numbers: Adopted Action:
111.20 Amended
111.25 New

4) Statutory Authority: Section 111.20 implementing 29 U.S.C. 794 (1995) and 45 CFR 84 (1994); Section 111.20 implementing Americans with Disabilities Act (42 U.S.C. 12101 et seq.); Sections 2-102(a), 3-204, 3-205 and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205 and 4-205]; Section 111.25 implementing Sections 2-102(a), 3-204, 3-205 and 4-205; Section 111.30 implementing the National Voter Registration Act of 1993 (42 U.S.C. 1973gg (1995)); authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

5) Effective Date of Rule(s) (Amendments, Repealer): November 21, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule (amendment, repealer) contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: November 21, 1997

9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 16034, December 27, 1997

10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No

11) Difference(s) between proposal and final version: "MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES" to "HUMAN SERVICES" in the Chapter title, Section 110.20(a) and Section 111.25(a).

Deleted the word "solely" from Sections 111.20 and 111.25.

Deleted the word "successful" from Section 111.20(a), definitions of "Deaf", "Deaf Blind", "Deafened" and "Hard of Hearing".

Additional technical changes suggested by JCAR.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an Emergency Rule(s) currently in effect? No

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Rule(s): The Rule defines the responsibilities for providing services to individuals who are hearing impaired or limited-English speaking.

16) Information and answers to questions regarding this adopted rule shall be directed to:

Susan Warner Weir, Manager
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, IL 62762
(217) 785-9772
TTY: (217) 557-1547

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

CHAPTER I: DEPARTMENT OF HUMAN SERVICES TITLE 59: MENTAL HEALTH
DISABILITIES

PART 111

RECIPIENT RIGHTS

Section

111.10 Nondiscrimination on the basis of handicap in the delivery of services under Section 504 of the Rehabilitation Act of 1973 (29 U.S.C.A. 701 et seq., 1982)

111.20 Services to individuals who are deaf, hard-of-hearing, deaf-blind, or deafened (hearing impaired) and/or who use manual/visual communication Service-to-hearing-impaired-and-non-English/limited-English-speaking (NE/HES)-recipients--in-Department-of-Mental-Health-and-Developmental Disabilities-facilities

111.25 Services to individuals in Department facilities who are non-English or limited-English speaking

111.30 Voter registration for service applicants

AUTHORITY: Section 111.10 implementing 29 U.S.C. 794 (1995) and 45 CFR 84 (1994); Section 111.20 implementing Americans with Disabilities Act (42 U.S.C. 12101 et seq.); Sections 2-102(a), 3-204, 3-205 and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205 and 4-205]; Section 111.25 implementing Sections 2-102(a), 3-204, 3-205, and 4-205 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/2-102(a), 3-204, 3-205, and 4-205]; Section 111.30 implementing the National Voter Registration Act of 1993 (42 U.S.C. 19739g (1995)); authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Department of Mental Health and Developmental Disabilities Act [20 ILCS 1705/5].

SOURCE: Adopted at 8 Ill. Reg. 22086, effective November 1, 1984; emergency amendment at 19 Ill. Reg. 13584, effective September 15, 1995, for a maximum of 150 days; emergency expired February 11, 1996; amended at 20 Ill. Reg. 5520, effective March 29, 1996; amended at 21 Ill. Reg. 15589, effective

NOV 2 1997

Section 111.20 Services to individuals who are deaf, hard-of-hearing, deaf-blind, or deafened (hearing impaired) and/or who use manual/visual communication Service-to-hearing-impaired-and-non-English/limited-English speaking (NE/HES)-recipients-in-Department-of-Mental-Health-and-Developmental Disabilities-facilities

All individuals receiving services shall be provided with adequate and humane care and services pursuant to an individualized service (treatment or habilitation) plan in accordance with Sections 2-102(a), 3-209 and 4-309 of the Code [405 ILCS 5/2-102(a), 3-209 and 4-309]. In accordance with Sections

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

2-102(a), 3-204, 3-205 and 4-205 of the Code [405 ILCS 5/2-102(a), 3-204, 3-205, and 4-205] no individual shall, on the basis of being deaf, hard-of-hearing, deaf-blind, or deafened (hearing impaired) and/or using manual or visual communication to communicate, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination by a facility.

a) Definitions

For the purposes of this Section, the following terms are defined:

"CART (Computer Aided Realtime Translation) reporting services." The verbatim translation of the spoken word into a visually enhanced format from a stenotype machine to a computer.

"CART reporter." A certified shorthand reporter licensed by the Department of Professional Regulation under the Illinois Certified Shorthand Reporters Act of 1984 [225 ILCS 415] or a registered professional reporter licensed by the National Association of Court Reporters, 8224 Old Courthouse Road, Vienna, Virginia 22182-3808, telephone (800) 272-6272, with experience in CART reporting.

"Code." The Mental Health and Developmental Disabilities Code [405 ILCS 5].

"Communication facilitation." The means provided to overcome a barrier in communication created because an individual is hearing impaired and/or uses manual or visual communication, e.g., interpreter, CART reporting services or mental health or developmental disability and deafness professional services.

"Deaf." Any loss of hearing, occurring prior to the acquisition of normal spoken language, that precludes processing of linguistic information through audition, with or without a hearing aid. An individual may be considered "deaf" based on language use, cultural affiliation, social preferences, or self-determination.

"Deaf-blind." Any loss of hearing, occurring at any age prior to or post acquisition of normal spoken language, that precludes processing of linguistic information through audition, with or without a hearing aid, and visual impairment of 20/70 in the better eye corrected or a visual field of 20 degrees or less.

"Deafened." Any loss of hearing, occurring at any age after normal spoken language was acquired, that precludes processing of linguistic information through audition, with or without a hearing aid.

"Department." The Department of Mental Health and Developmental

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Disabilities or successor agency.

"Facility." Any mental health or developmental disability facility, as defined by Sections 1-107 and 1-114 of the Code [405 ILCS 5/1-107 and 1-114].

"Hard-of-hearing." Any loss of hearing that allows, generally with the use of a hearing aid, the processing of linguistic information through audition.

"Hearing impaired." Deaf, deaf-blind, hard-of-hearing, or deafened.

"Individual." A recipient of mental health or developmental disabilities services, as defined by Sections 1-111 and 1-128 of the Code [405 ILCS 5/1-111 and 1-128].

"Interpreter/Translator." A qualified professional who provides communication facilitation services between any persons using different modes (spoken or manual) and/or languages (English/American Sign Language) to communicate. This person shall be certified by the Registry of Interpreters for the Deaf, 8719 Colesville Road, Suite 310, Silver Spring, MD 20910-3919, telephone (301) 608-0050, or shall be assessed by the interpreter skills assessment screening (ISAS) attaining a level IV or level V certification or shall be approved by the Statewide Coordinator.

"Manual or visual communication." Using the hands, body, or facial expressions as the primary modalities for communication, but may also include and not be limited to American Sign Language, signed English, fingerspelling, pantomime, gestures, lip or speech reading, tactile fingerspelling or signs, CART, paper and pencil (writing or reading), flash cards, telecommunication (telephone) devices for the deaf (TTY), hearing aids, and other methods of manual or visual communication.

"Mental health or developmental disability and deafness professionals." Mental health or developmental disability professionals, e.g., psychiatrists, psychologists, social workers, psychiatric nurses, speech and language pathologists and other mental health or developmental disability professionals with intermediate or advanced expertise in manual or visual communication modes and knowledge of culture and psychosocial aspects of individuals who have hearing impairments.

"Preferred mode of communication." Any visual and/or auditory communication mode and/or language used by an individual who is

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

hearing impaired to express him or herself and to understand the communication of others, e.g., American Sign Language, writing.

"Statewide Coordinator." The Department's Statewide Coordinator of Services for People who are Deaf, Hard of Hearing or Deaf-Blind.

b) Services for individuals who are hearing impaired

1) Intake and admission

A) Intake staff shall determine through initial assessment, input, and consultation that an individual presenting for admission has a hearing impairment or other communication deficit, what type and degree of hearing loss the individual has (based on information available at the time of intake), and whether he or she requires manual or visual communication. This information shall be documented on form DMHDD-142a, "Clinical Record Face Sheet" or on the community agency's intake form.

B) Each facility shall maintain a list of interpreters, CART reporters and mental health or developmental disability deafness professionals employed by, or under contract to, the facility. The list shall have each interpreter's mode of communication and level of certification. The facility director shall be responsible for distributing the list to the appropriate facility staff and updating it at least annually. These lists shall be submitted to the Statewide Coordinator.

C) Facility staff, with the assistance, if necessary, of family members or friends of the individual who use the individual's preferred mode of communication, shall inform the individual that an interpreter, CART reporters (to facilitate communication) and/or mental health or developmental disability and deafness professional (to consult) has been contacted and the expected time of arrival. Facility staff (unless qualified), family members, or friends of the individual shall not interpret. A qualified interpreter, CART reporter and/or mental health or developmental disability and deafness professional shall be used during the individual's intake, assessment and evaluation, when information is being conveyed to the individual regarding admission, discharge, transfer, or the right to object thereto, the explanation of the individual's rights, when being examined for involuntary admission or certification, while being interviewed or tested by a psychologist, psychiatrist or physician, during therapy, or whenever necessary to provide effective treatment or rehabilitation services to the individual. Writing is not an acceptable substitute for an interpreter, CART reporter and/or mental health or developmental disability and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

deafness professional during the intake, admission and therapy process.

D) If communication facilitation is necessary in order to determine whether the individual meets the admission criteria, or to complete the admission, discharge, or transfer process, it shall be obtained preferably within 12 hours, but not later than the time limits prescribed by Sections 3-503, 3-504(f), 3-604, 3-607, 3-610, 3-704(a), 4-300, 4-402(a) and 4-405 [405 ILCS 5/3-503, 3-504(f), 3-604, 3-607, 3-610, 4-300, 4-402(a) and 4-405]. The services of an interpreter, CART reporter and/or mental health or developmental disability and deafness professional shall be available to the facility 24 hours per day, seven days per week. This requirement may be met by contracting with a person for services as needed. The facility shall pay for the cost of the interpreter or CART reporter.

E) The Statewide Coordinator shall assist any facility on request in obtaining the services of an interpreter, a CART reporter or a mental health or developmental disability and deafness professional.

2) Treatment or habilitation services

A) Interpreter services, CART reporting services and/or the services of mental health or developmental disability and deafness professionals, as determined by the interdisciplinary team, shall be made available to any person(s) using different modes (spoken or manual) and/or languages (signed English or American Sign Language) to communicate in order to provide appropriate services to individuals or staff who are hearing impaired and/or use manual or visual communications.

B) Facilities shall provide appropriate services and/or treatment to individuals who are hearing impaired and/or use manual or visual communication and the appropriate auxiliary aids to allow such individuals to benefit from the services and/or treatment. The Statewide Coordinator shall be contacted to provide assistance to facilities to develop and provide appropriate services for these individuals. Treatment or habilitation programs for individuals who are hearing impaired and/or use manual or visual communication may include arrangements made by the facility with other facilities, private clinicians, or other community providers (e.g., hospitals, clinics, Department-funded agencies) that can meet the individual's treatment or habilitation needs.

C) Individuals who are hearing impaired and/or use manual or visual communication shall be provided with telecommunication devices for the deaf (TTY) and/or phone amplifiers and/or telebraille devices, whichever is appropriate, to insure their right to private telephone

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

communication as provided by Section 2-103 of the Code [405 ILCS 5/2-103]. Telecaption decoders shall be provided and placed, as needed, for television access. Visual and tactile life-safety alerting devices including but not limited to wake-up alarms (lights and/or vibrators) and fire alarms (lights and/or vibrators) shall be installed or available, where necessary.

D) As a part of the quality assessment and improvement program, facilities shall have a written compliance plan for individuals who are hearing impaired and/or use manual or visual communication. This plan shall include but not be limited to:

- i) Designated staff responsible for implementing, monitoring and evaluating the plan;
- ii) A list of interpreters, CART reporters and mental health or developmental disability and deafness professionals employed by, or contracted to, the facility, their skill level in American Sign Language, and any certification they hold; and
- iii) Training for staff on the unique aspects of providing services to individuals who are hearing impaired and/or use manual or visual communication and procedures to assist the individual in filling out a complaint form.

3) Clinical records documentation. Provision of interpreters, CART reporters, mental health or developmental disability and deafness professionals, special equipment, and other support services shall be documented in the intake and treatment summaries.

a) All recipients of services in Department facilities shall be provided with adequate end-humane care and services for their mental fitness or developmental disability pursuant to an individualized services (treatment/habilitation) plan (Ill. Rev. Stat. 1989, ch. 91-1/27, pars. 2-102(a), 3-209 and 4-309).

b) No recipient of service shall, solely on the basis of a hearing impairment or inability to communicate in the English language, be excluded from the participation in or be denied the benefits of or be subjected to discrimination by a Department facility.

c) Communication assistance, as that term is used in this Section, is the means provided to overcome a barrier in communication created because the recipient does not speak English or has only limited use of English, or because the recipient is deaf or hearing impaired (e.g., flash cards, paper and pencil, translator, sign language interpreters, tape recordings).

d) If communication assistance is necessary in order to determine whether the individual meets the criteria for admission and/or to complete the admission process, it shall be obtained within the admission time limits prescribed by the Mental Health and Developmental Disabilities Code (Ill. Rev. Stat. 1989, ch. 91-1/27, pars. 3-503, 3-504(f), 3-604,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

3-607-3-610-3-704(a)-4-309-4-402(a) and 4-405)-
treatment/habilitation

e) Communication assistance shall be available for the treatment/habilitation staff to provide services to hearing impaired recipients. For the recipient for whom sign language is a primary mode of communication, this shall include the services of a sign language interpreter.

2) Communication assistance shall be available for the treatment/habilitation staff to provide services to non-English limited English speaking individuals. Services in the individual's native tongue shall be provided by those Department facilities serving planning area (geographic divisions established in each of the Department's service regions having populations ranging from approximately 75,000 to 200,000) when 50 percent of the planning area population share a common non-English language and 10 percent of that non-English speaking population are referred for admission.

f) Whenever a Department facility cannot provide communication assistance to the treatment/habilitation staff, the regional administrator shall obtain communication assistance or an alternative treatment/habilitation program for any recipient for whom the facility cannot obtain needed communication assistance. An alternative treatment/habilitation program is an arrangement made by the facility with a private clinician or other community provider (e.g., hospital, clinic, Department-funded agency) which can meet the treatment/habilitation needs of the recipient.

(Source: Amended at 21 Ill. Reg. 155.0, effective NOV 21 1997)

Section 111.25 Services to individuals in Department facilities who are non-English or limited-English speaking

All individuals in Department facilities shall be provided with adequate and humane care and services pursuant to an individualized service (treatment or habilitation) plan in accordance with Sections 2-102(a), 3-209 and 4-309 of the Code [405 ILCS 5/2-102(a), 3-209 and 4-309]. In accordance with Sections 2-102(a), 3-204, 3-205 and 4-305 of the Code [405 ILCS 5/2-102(a), 3-204, 3-205 and 4-305] no individual shall, on the basis of an inability to communicate in the English language, be denied the benefits of, or be subjected to discrimination by, a Department facility.

a) Definitions

For the purposes of this Section, the following terms are described:

"Code." The Mental Health and Developmental Disabilities Code [405 ILCS 5].

"Department." The Department of Human Services.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Individual." A recipient of mental health or developmental disabilities services, as defined by Sections 1-111 and 1-128 of the Code [405 ILCS 5/1-111 and 1-128].

"Interpreter." A person fluent in English and in the native language of the recipient who can accurately speak, read, and readily interpret the necessary second language. This interpreter shall be approved by the Department's Statewide Coordinator of Services for People who are Non-English or Limited-English Speakers.

"Limited-English speaker." A person whose English vocabulary consists of 100 to 400 words. Such a person has usually mastered most expressions necessary to function marginally in an English speaking environment. However, words used to express feelings and other emotionally charged material are lacking.

"Non-English speaker." A person who has no command or understanding of the English language.

"Qualified staff." Mental health or developmental disability professionals, e.g., psychiatrists, psychologists, social workers, psychiatric nurses, and other mental health or developmental disability paraprofessionals who meet the definition of interpreters, as defined in this subsection (a).

b) Service provision

1) Prior to admission or during the admission process, intake staff shall determine whether a person presenting for admission is a non-English or limited-English speaker and, if so, the person's native language. Intake staff shall document interpreter services required on the intake and treatment summaries. The provision of the interpreter services shall be defined as a part of active treatment.

2) Interpreter services in the individual's native language shall be available in accordance with Sections 3-204, 3-205, and 4-205 of the Code [405 ILCS 5/3-204, 3-205, and 4-205] for the treatment or habilitation staff to provide services to non-English or limited-English speaking individuals. Staff shall document in the individual's clinical record that an interpreter was used to provide information.

3) Each facility shall maintain a list of interpreters employed by or under contract to the facility and what language(s) they speak. In addition, each facility shall maintain a list of community interpreter resources. The facility director shall be responsible for distributing the list to the appropriate staff and updating it at least annually.

4) Facilities shall provide interpreters during admission, when denying admission, during intake, or specifically during all

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

assessments or evaluations while the individual is being interviewed or tested by a psychologist, psychiatrist or physician. Additionally, interpreters are to be used during therapy, when care and treatment information is being conveyed, when information is being conveyed regarding the individual's discharge, transfer, objection to discharge or transfer, or the individual's rights, when the individual is being examined for involuntary admission or certification at the request of the individual's family or guardian, or whenever necessary to provide effective treatment or rehabilitative services to the individual.

5) Qualified staff who speak the individual's native language may be used as interpreters or the facility may contract for the services of interpreters. The facility shall pay for the cost of the interpreters. Family members of the individual shall not be used as interpreters. Family members may inform the individual that an interpreter has been contacted and the expected time of arrival. The family may participate in the intake and treatment process with the interpreter provided by the facility.

c) Facility plan

Facilities shall establish a written implementation, monitoring and evaluation plan for interpreter services to non-English and limited-English speaking individuals. This plan, which shall be a part of the facility quality assessment and improvement program, shall include but not be limited to the following areas:

1) Designation of personnel within the facility responsible for implementing the plan, monitoring the provision of interpreter services and conducting an annual evaluation of services provided;

2) Establishing a list of interpreters on the facility's staff or on contract from the community, the languages they speak and their availability. In addition, insure that postings that advise individuals and their families of the availability of interpreters, the procedures for obtaining interpreters, and the telephone number to call to file a complaint are posted in conspicuous places in the facility;

3) Defining an effective process to implement the Department's procedures for identifying the individual's level of functioning in English and his or her native language and accurately recording this information in the individual's clinical record and the Department's data systems and based on new assessments or information updating them as indicated; and

4) Training facility staff in the unique aspects of providing services to individuals who are non-English or limited English-speaking and in procedures to assist the individual in submitting the complaint form.

(Source: Added at 21 Ill. Reg.

15579,

effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

NOV 21 1997)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Numbers: 117.15 Amendment
117.20 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).
- 5) Effective Date of Rule(s) (Amendments, Repealer): November 26, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule (amendment, repealer) contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 26, 1997
- 9) Notice of Proposal Published in Illinois Register: July 7, 1997, 21 Ill. Reg. 8209
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between proposal and final version: There were no changes made to the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? Yes
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).

The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997. These amendments add TANF to replacement of missing warrant provisions.

16) Information and questions regarding this adopted rule shall be directed to:

Ms. Susan Wartner Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772
TTY: (217) 557-1547

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER vv: DISTRICT, COUNTY, TOWNSHIP AND SPECIAL ACT

MUTUAL COMPANIES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 117

RELATED PROGRAM PROVISIONS

Section

117.1	Incorporation By Reference
117.10	Payee for Financial Assistance
117.11	Issuance of Cash Assistance Benefits
117.12	Client Training for the Electronic Benefits Transfer (EBT) System
117.13	Replacement of the EBT Card
117.15	Reinstatement Upon Agreement to Cooperate
117.20	Replacement of Missing Warrants
117.30	Withholding of Rent (Repealed)
117.40	Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance
117.50	Funerals and Burials
117.51	Funeral Home Services
117.52	Burial Expenses
117.53	Payment to Vendor(s)
117.54	Claims for Reimbursement
117.55	Submittal of Claims
117.60	Substitute Parental Care/Supplemental Child Care - AFDC, AABD and CA Family Cases
117.70	Charge for Replacement of Photo ID Cards (Repealed)
117.80	Direct Deposit of Recipients' Warrants
117.90	State Income Tax Match

AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI, and 12-13].

SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13 Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 15267, effective November 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 877, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 10381, effective July 23, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 395, effective December 20, 1996; amended at 21 Ill. Reg. 7759, effective June 4, 1997; emergency amendment at 21 Ill. Reg. 8677, effective July 1, 1997, for a maximum of 150 days; recodified at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15591, effective NOV 26 1997.

Section 117.15 Reinstatement Upon Agreement to Cooperate

- a) When Whenever financial aid is reduced or terminated due to the failure of the client to cooperate with the Department and the client, within ten working days after the first day the financial aid would have been available, indicates his or her willingness to cooperate with the Department, the financial aid shall be reinstated in full, retroactive to the date the change or termination of the grant occurred, provided the client is not otherwise ineligible for financial assistance for the period in question.
 - 1) Failure to cooperate includes but is not limited to:
 - 1) failure to keep an appointment;
 - 2) failure to attend a meeting;
 - 3) failure to produce proof or verification of eligibility or need in response to a Department request to contact it; or
 - 4) failure to be available for a home visit.
- b) Failure to cooperate includes but is not limited to:
 - 1) failure to keep an appointment;
 - 2) failure to attend a meeting;
 - 3) failure to produce proof or verification of eligibility or need in response to a Department request to contact it; or
 - 4) failure to be available for a home visit.
- c) When Whenever a client whose benefits have been reduced or terminated for failure to cooperate contacts the Department about the termination or reduction within ten working days after the first day the financial aid would have been available, the Department shall inform the client that his or her financial assistance will be reinstated if he or she indicates a willingness to cooperate. The client shall be deemed willing to cooperate with the Department when he or she makes contact with the Department for the purpose of speaking to appropriate staff and indicating a willingness to cooperate.
 - d) The client's willingness to cooperate shall be demonstrated by his or her willingness to attend a rescheduled appointment or meeting, producing needed proof or verification, agreeing to attempt to obtain needed proof or verification, asking for help in obtaining proof or verification or seeking whatever is needed to determine continued eligibility.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- e) If the client fails to cooperate a second time for the same reason after being reinstated once under this Section, assistance will not be reinstated again until the client actually cooperates. If the client expresses a willingness to cooperate within ten working days after the first day the financial aid would have been available, and actually cooperates, the financial aid will be reinstated in full as in subsection (a) of this Section.
- f) The policy in this Section does not apply in the case of sanctions imposed due to the failure of a client to participate, as required, in the child support enforcement program (see 89 Ill. Adm. Code 160) or in any educational, training or employment program conducted through the Department.
- g) The policy in this Section also does not apply to any cancellation, revocation, reduction, termination or sanction imposed for the failure of any recipient to cooperate in the quarterly monthly reporting process.
- h) ~~The policy in this Section does not apply to cancellations of clients who fail to report their earned income through the Quarterly Reporting -- Failure to Report Employment Demonstration Project (see 89-III-Adm-Code-170-380);~~

(Source: Amended at 21 Ill. Reg. 15591, effective NOV 26 1997)

Section 117.20 Replacement of Missing Warrants

- a) When a client reports the non-receipt of a warrant, the Department shall replace the warrant, unless the warrant was endorsed by the payee, after the client has signed a request to stop payment and an agreement that recovery may be made. The replacement shall be made only if the request is received within 60 days of the date of mailing of the warrant in question.
- b) In the event the missing warrant is actually received and cashed by the client and a replacement warrant has been received and cashed by the client, pursuant to the terms of the recovery agreement, the Department shall recoup or recover the amount of the replacement warrant as follows:
 - 1) For Aid to Families with Dependent Children (AFDC) and Temporary Assistance for Needy Families (TANF); 1/36 of the amount of the replacement warrant shall be recouped each month until the entire amount is recouped. AFDC and TANF recoupment under this Section shall not take place while recoupment under 89 Ill. Adm. Code 165.70 is in process.
 - 2) For Aid to the Aged Blind or Disabled (AABD) and General Assistance (GA) cases as provided in 89 Ill. Adm. Code 165.70.
 - 3) For supportive service payments issued to Project-Chance-Project Advance-and-Young-Parents-Program participants, the replacement warrant will be recovered under Subpart D of 89 Ill. Adm. Code

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 165-Subpart-B, after financial assistance is cancelled.
 c) The determination that the missing warrant was actually received and cashed by the client shall be made by comparing the signature of endorsement appearing on the warrant with a specimen signature of the client.

(Source: Amended by Act 21 Ill. Reg. 15501, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Temporary Assistance for Needy Families

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Numbers: Adopted Action:

112.1	Amendment
112.8	Amendment
112.30	Amendment
112.52	Amendment
112.60	Amendment
112.61	Repeal
112.62	Repeal
112.63	Repeal
112.64	Repeal
112.65	Amendment
112.66	Amendment
112.67	Amendment
112.68	New Section
112.69	New Section
112.70	Amendment
112.71	Amendment
112.72	Amendment
112.73	Repeal
112.74	Amendment
112.75	Repeal
112.76	Amendment
112.77	Amendment
112.78	Amendment
112.79	Amendment
112.80	Amendment
112.81	Repeal
112.82	Amendment
112.83	Amendment
112.84	Repeal
112.85	Repeal
112.86	Repeal
112.87	Repeal
112.88	Repeal
112.89	Repeal
112.90	Repeal
112.91	Repeal
112.93	Repeal
112.95	Repeal
112.98	Repeal
112.101	Amendment
112.110	Amendment
112.127	Amendment
112.128	Repeal

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

112.130 Amendment
 112.131 Amendment
 112.132 Amendment
 112.133 Amendment
 112.134 Amendment
 112.137 Amendment
 112.140 Amendment
 112.141 Amendment
 112.142 Amendment
 112.143 Amendment
 112.144 Amendment
 112.145 Amendment
 112.147 Amendment
 112.150 Amendment
 112.151 Amendment
 112.152 Amendment
 112.155 Amendment
 112.250 Amendment
 112.251 Amendment
 112.252 Amendment
 112.253 Amendment
 112.254 Amendment
 112.255 New Section
 112.300 Amendment
 112.302 Amendment
 112.303 Amendment
 112.304 Amendment
 112.305 Amendment
 112.307 Amendment
 112.308 Repeal
 112.320 Amendment
 112.330 Amendment
 112.331 Amendment
 112.350 Repealed
 112.352 Repealed
 112.354 Repealed
 112.356 Repealed
 112.358 Repealed
 112.362 Repealed
 112.364 Repealed
 112.366 Repealed
 112.370 Repealed
 112.400 Repealed
 112.404 Repealed
 112.406 Repealed
 112.408 Repealed
 112.410 Repealed
 112.412 Repealed

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 112.414 Repealed
 112.416 Repealed
 112.418 Repealed
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193).
- 5) Effective Date of Rule(s) (Amendments, Repealer): November 26, 1997
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule (amendment, repealer) contain incorporations by reference?
 No
- 8) Date Filed in Agency's Principal Office: November 26, 1997
- 9) Notice of Proposal Published in Illinois Register: July 7, 1997 (21 Ill. Reg. 8179)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between proposal and final version: The following changes were made in the text of the proposed amendments:
1. In Section 112.1, "cash" was inserted before "benefits", "whose" was deleted and "under age 18" was inserted after "teen parent".
 2. In Section 112.65(c)(6), "substance abuse, homelessness and mental and physical and health issues;" was inserted after "violence".
 3. In Section 112.65(f), "Section" was inserted before "112.79".
 4. In Section 112.66 (a), "In areas of the State where appropriate substance abuse programs have capacity," was added before "adults".
 5. "to adults who must participate in an alcohol or substance abuse treatment program" was deleted from Section 112.66(d).
 6. In Section 112.67(a), "an" was changed to "a".
 7. Section 112.67(d) was revised as follows:

"Minor parents under age 20 with no child under the age of 12 weeks may receive assistance only if they have successfully completed high school, have a GED certificate, or are attending school, except 18 and 19 year olds may be assigned to work activities or training if it

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

is determined by an individualized assessment that such educational activities are inappropriate. If these requirements are not met, they are subject to sanction (see Section 112.79)."

8. In Section 112.68(a)(2), "Social Service Networks" was changed to the lower case.

9. In Section 112.68(c)(1), "subsection (c)" was changed to "subsection (b)".

10. New Section 112.68(c)(5) was added as follows:

"Reconciliation must be attempted before imposing a sanction under this Section." Section 112.68(c)(5) was renumbered as Section 112.68(c)(6).

11. In Section 112.69(a), a comma was inserted after "convicted" and a comma was deleted after "law".

12. Section 112.69(b) was revised as follows:

"Persons convicted, for acts that occur after August 21, 1996, of any drug-related felony not listed in subsection (a) of this Section under Illinois or Federal law are ineligible for two years following the date of the conviction, unless they are in drug treatment or aftercare as defined in the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/1-10] or have successfully participated in and completed drug treatment and/or aftercare subsequent to their conviction."

13. In Section 112.69(f), "subsections (a) through (f)" was changed to "subsections (a) through (e)".

14. In Section 112.70, "The Department will decide which individuals can participate in TANF employment and work activities based upon budget analysis of activity costs and supportive service costs and in keeping with federal TANF work outcome and performance requirements. The program offered in different counties of the State may vary depending on the extent that resources are available." was struck and "The level of TANF employment or work activities in the State as a whole and in different counties of the State may vary depending upon available resources."

15. New Section 112.71(b) was added as follows:

"Exemption from TANF Employment and Work Activity does not equate to exemption from the 60-month limit."

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

16. In Section 112.72(a)(3)(C), "or lack of other workplace rights due TANF recipients according to the U. S. Department of Labor." was added after "protection".

17. In Section 112.72(a)(4)(C), "Section 112.72(a)(4)(A)" was replaced by "subsection (a)(4)(A) of this Section".

18. Section 112.72(a)(4)(E) was added as follows:

"The participant may not be required as a condition of employment to join, resign from or refrain from joining any legitimate labor organization."

19. In Sections 112.72(b) and (b)(1), "as defined in Section 112.64(d)(1)" was struck.

20. In Section 112.74(a)(3)(D), "JOBS" was struck.

21. Section 112.74(a)(4)(A) was struck and the remaining Sections renumbered accordingly.

22. In Section 112.74(c), "marker" was changed to "market" and "The assessment process shall include standard literacy testing and a determination of English language proficiency for those who display a potential need for literacy or language services."

23. New Section 112.74(d) was deleted and the remaining Sections renumbered accordingly.

24. In Section 112.74(g), "age six" was changed to "age 13".

25. In Section 112.77(b), "for the participant" was deleted.

26. In Sections 112.78(a) and (b), "Job Readiness", "Job Search" and "Work Experience" were all capitalized.

27. In Section 112.78(b), "program" was changed to "programs" and "post-secondary education" was capitalized.

28. In Sections 112.78(c)(1) and (2), "job readiness" was capitalized.

29. In Section 112.78(c)(3)(B), the hyphen was deleted from "30 day period".

30. In Sections 112.78(d)(1), (d)(2)(A) and (d)(2)(B), "job search" was capitalized.

31. In Section 112.78(d)(2)(B), "job readiness" was capitalized.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

32. "Private or not-for-profit employers, organizations and governmental agencies shall not use Work Experience participants to displace regular employees (see subsection (e)(5) of this Section)." was deleted from Section 112.78(e).

33. " ; or" was deleted from 112.78(e)(1)(A)(ii).

34. In Section 112.78(e)(1)(B), "activity" was inserted after "Experience".

35. The Section title for 112.78(e)(1)(D) was deleted and the remaining Sections renumbered accordingly.

36. In Section 112.78(e)(1)(E), "Job Corp" was replaced by "Job Corps participant".

37. Section 112.78(e)(5) was revised as follows:

"Anti-Displacement
Community Work Experience is subject to the provisions of Section 112.78(s)."

38. Sections 112.78(e)(5)(A) through (H) was struck.

39. "(see Section 112.350)" was deleted from Section 112.78(g)(3)(A).

40. In Section 112.78(g)(3)(C), "of" was changed to "after".

41. Section 112.78(g)(5)(C) was deleted.

42. In Section 112.78(g)(6)(B), "112.14" was changed to "112.141".

43. "and 112.332" was deleted from Section 112.78(g)(7).

44. New Section 112.78(g)(8) was added as follows:

"Anti-Displacement
The Work Supplementation Program is subject to the provisions of Section 112.78(s)."

45. In Section 112.78(h), "Regency Universities Act [110 ILCS 705]" was replaced by "Chicago State Universities Law [110 ILCS 660], the Eastern Illinois University Law [110 ILCS 665], the Governors State University Law [110 ILCS 670], the Illinois State University Law [110 ILCS 675], the Northwestern Illinois University Law [110 ILCS 685], the Western Illinois University Law [110 ILCS 690]".

46. In Sections 112.78(h)(1)(L) and (k)(4)(E), "Job Corp" was changed to

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

"Job Corps participant".

47. In Section 112.78(h)(1)(M), the comma after "July 1, 1997" was deleted.

48. In Section 112.78(j), "job retention" was capitalized.

49. In Section 112.78(k)(2), "work experience" was capitalized.

50. Section 112.78(k)(7) was revised as follows:

"Anti-Displacement
The Unemployed Parents Work Experience is subject to the provisions of Section 112.78(s)."

51. Sections 112.78(k)(7)(A) through (H) was struck.

52. In Sections 112.78(n)(6)(A), 112.78(n)(6)(B) and 112.78(o)(2), "89 Ill. Adm. Code" was replaced by "Section".

53. In Section 112.78(o)(1), the comma after "December" was deleted.

54. In Section 112.78(o)(2), "TANF activity requirement" was changed to "TANF Employment and Work Program".

55. In Section 112.78(o)(2)(A)(i), "TANF" was changed to "work activity" and "from TANF" was inserted after "exemption".

56. In Section 112.78(o)(2)(A)(ii), "TANF" was changed to "work activity" and "60-day period" was changed to "12 week period".

57. In Section 112.78(o)(2)(A)(iii), a comma was added after "or".

58. Section 112.78(o)(3)(A) was revised as follows:

"When the participant has been in TWI for 24 months, the participant must be working or in Work First to qualify for TANF, unless the participant is excused for one of the reasons in Section 112.78(o)(2)."

59. In Section 112.78(o)(3)(B), "of the 24-month eligibility period" was replaced by "in TWI" and "of eligibility" was deleted.

60. Section 112.78(o)(3)(C) was revised as follows:

"After reaching the 24-month limit, the participant shall be ineligible for cash assistance for a period of 24 months, unless the participant is employed or in Work First. When the participant is

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

off cash assistance for 24 consecutive months, for any reason, the participant will again be eligible for TANF if all other eligibility factors are met."

61. In Section 112.78(o)(4), (o)(5)(A) and (B), "89 Ill. Adm. Code" was changed to "Section".

62. Section 112.78(o)(5)(C) was deleted.

63. In Section 112.78(o)(6)(B)(i), "pay after performance" was capitalized.

64. In Section 112.78(o)(6)(B)(ii), "after" was capitalized and "X" was changed to the lower case.

65. In Section 112.78(o)(6)(B)(iii), "Job Club" was changed to the lower case.

66. Sections 112.78(o)(6)(B)(iv), (v) and (vi) were revised as follows:

"(iv) Participants will be assigned to Work First/Pay After Performance until they find unsubsidized employment. An assessment will be conducted every six months to determine appropriateness of assignment, if work skills are being gained and if the opportunity for placement exists.

(v) The Department will develop Work First/Pay After Performance positions with private employers or not-for-profit or public agencies and will provide Worker's Compensation coverage for participants.

(vi) Work First/Pay After Performance for TWI participants is subject to the provisions of Section 112.78(s).

67. In Section 112.78(p)(1), "pay after performance" was capitalized.

68. In Section 112.78(p)(5), "after" was capitalized.

69. In Section 112.78(p)(6), "after" was capitalized and "Contract" was changed to the lower case.

70. New Section 112.78(p)(7) was added as follows:

"Work First/Pay After Performance for non-TWI participants is subject to the provisions of Section 112.78(s)."

71. New Sections 112.78(q), (r) and (s) were added as follows:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

(q) Substance Abuse

(1) Selection of Participants

If alcohol or substance abuse is suspected as a barrier to employment during the family assessment process or at an intake interview, the client will be referred for a clinical assessment by an alcohol/substance abuse counselor. If treatment is indicated, the client will be required to follow-up as a condition of eligibility, unless the client is employed more than 30 hours per week or if treatment resources are not available.

(2) Work Activity

Clients participating in alcohol/substance abuse treatment in accordance with their Responsibility and Services Plan are participating in work activity.

(3) Supportive Services

Supportive services, i.e., child care and transportation, will be provided to enable clients' participation in treatment, to the extent resources are available.

(4) Sanctions

(A) Conciliation will be attempted with clients who fail to cooperate with their treatment plan. Cooperation with the treatment plan will be defined by the alcohol/substance abuse provider, based on uniform guidelines.

(B) When conciliation is unsuccessful, the TANF sanctions will apply.

(r) Domestic Violence

(1) Selection of Participants

All clients receiving TANF will have a family assessment completed. If domestic violence is a barrier to employment, the client will be referred to a domestic violence service provider.

(2) Work Activity

Clients participating in domestic violence abuse treatment are in accordance with their Responsibility and Services Plan and are participating in a work activity.

(3) Supportive Services

Supportive Services, i.e., child care and transportation, will be provided to enable clients' participation in treatment, to the extent resources are available.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

- (4) Sanctions
If the individual does not comply with the Responsibility and Services Plan relating to domestic violence, a sanction will not be imposed. The Responsibility and Services Plan will be reviewed, and other work related activities will be developed. Compliance will be required for the new activities.
- (s) Anti-Displacement and Grievance Procedure
- (1) An employer may not utilize a work activity participant if such utilization would result in:
- (A) the displacement or partial displacement of current employees, including but not limited to a reduction in hours of non-overtime or overtime work, wages, or employment benefits; or
 - (B) the filling of a position that would otherwise be a promotional opportunity for current employees; or
 - (C) the filling of a position created by or causing termination, layoff, a hiring freeze, or a reduction in the workforce; or
 - (D) the placement of a participant in any established unfilled vacancy; or
 - (E) the performance of work by a participant if there is a strike, lockout, or other labor dispute in which the employer is engaged.
- (2) An employer who wishes to utilize work activity participants shall notify the appropriate labor organization in accordance with the applicable State statute [305 ILCS 5/9A-13].
- (3) Participants, other employees at the work site or their representative, may file a grievance with the Department if they believe the participant's work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:
- (A) the name and address of the participant or other employee at the work site (the grievant);
 - (B) the participant's case number (if grievant is participant);
 - (C) the grievant's Social Security number;
 - (D) Work Experience (work site); and
 - (E) a statement as to why the grievant believes the participant is causing displacement.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

- (4) Within ten days after receipt of a written grievance, the Department shall arrange an in-person conference with:
- (A) the grievant;
 - (B) the grievant's representative, if any;
 - (C) the Work Experience Sponsor;
 - (D) the Work Experience Sponsor's representative, if any; and
 - (E) the Department's representative.
- (5) At the in-person conference, the Department shall solicit and receive from the grievant and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information is requested by the grievant and/or the Department.
- (6) Within 15 days after the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.
- (7) If the Department concludes that displacement occurred (as described in subsection (s)(1) of this Section), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of TANF participants in addition to the participants involved in the grievance, the Department shall terminate those TANF participants' assignment to that work assignment Sponsor.
- (8) The Department, its employees or the Work Experience Sponsor shall not retaliate for filing a grievance or otherwise proceeding under this policy. Retaliation will result in the termination of the Work Sponsor contract.
72. In Section 112.79(b) and 112.79(c), "conciliation" was replaced by "reconciliation".
73. In Section 112.79(b)(3), "(see Section 112.64)" was deleted.
74. In Section 112.79(b)(4), "(see Section 112.64(d)(1))" was deleted.
75. In Section 112.79(b)(11), the hyphens were removed from "post-secondary".
76. "Likewise, a sanction for child support enforcement or the school attendance initiative does not affect any instances of non-cooperation under this Section." was added at the end of Section 112.79(g).
77. Section 112.79(h) was revised as follows: "Individuals who are

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

sanctioned will be contacted at least one time per month to attempt to re-engage the client back into the program. Supportive services (see Section 112.82) will be paid while in sanction status if the individual is participating. If the family is also sanctioned for failure to cooperate with the child support enforcement or school attendance initiative requirements, the sanctions are served simultaneously."

78. Section 112.79(i) was revised as follows:

"A person must cooperate to end the sanction. When the person cooperates, benefits are restored as of the date of cooperation or, for second or third instances of sanction, at the end of the three month period, whichever is later."

79. New Section 112.80(a)(17) was added as follows:

"failure to participate in a TANF work activity because of violations of workplace rights due TANF recipients as determined by the U.S. Department of Labor."

80. In Sections 112.82(a) and 112.82(e)(1)(D), "state" was capitalized.

81. In Section 112.82(c), "Transitional" and "(see Sections 112.400 through 112.418)" were struck.

82. In Section 112.82(e)(1)(F), "job readiness" was capitalized.

83. Section 112.82(e)(2)(D) was deleted.

84. In Section 112.82(e)(3)(A), "job search" was capitalized.

85. In Section 112.82(e)(7)(C)(vi), "Pay the following monthly rates" was changed to "The following monthly rates will be paid".

86. In Section 112.82(e)(7)(C)(9), the ILCS cites were corrected.

87. In Section 112.83(a)(5), "self reliance" was hyphenated.

88. In Section 112.83(a)(6), "self sufficiency" was hyphenated.

89. In Section 112.83(c)(2)(B)(v), "Transitional" was deleted.

90. In Section 112.83(d)(1), "training and skills" and "ypp" were struck.

91. Sections 112.83(d)(1)(A) through 112.83(f) were struck and the remaining Sections renumbered accordingly.

92. Section 112.83(h) was struck.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

93. Section 112.83(i) was revised as follows:

"Every six months or more frequently, the TPS worker shall reassess the plan and determine whether to continue, revise or terminate the participant's Responsibility and Services Plan and/or activity assignment."

94. Sections 112.83(k) through (k)(2) were struck.

95. New Section 112.83(e) was revised as follows:

"Teen Parent Services Sanction
See Section 112.79 for TANF sanction rules for failure to cooperate with Teen Parent Services Program requirements."

96. New Section 112.(f) was revised as follows:

"Good Cause for Failure to Comply with Teen Parent Services Participation Requirements
See Section 112.80 on good cause rules for failure to comply with Teen Parent Services participation requirements."

97. In Section 112.83(g)(1), everything after "TANF" was struck.

98. Sections 112.83(n)(3) through (8) were struck.

99. New Section 112.83(h) was revised as follows:

"Reconciliation and Fair Hearing
See Section 112.77 for Reconciliation and Fair Hearings rules."

100. In Section 112.83(p), "ypp" and everything following "(See Section 112.82.)" were struck.

101. Sections 112.83(p) (1) through (6) were struck.

102. "federal" and "(42 U.S.C. 2210nt)" was added to Sections 112.110(a)(16) and 112.151(b)(18).

103. "(42 U.S.C. 1437f)" was added to Section 112.110(a)(17).

104. In Section 112.110(a)(22), "Mental Health and Developmental Disabilities (DMHDD)" was replaced by "Human Services".

105. In Section 112.143(b)(1)(B), "AFDC" was changed to "TANF".

106. In Section 112.143(b)(4), "Section 112.354" was changed to "89 Ill. Adm. Code 50.240".

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

107. In Section 112.143(b)(5), "except transitional child care" was deleted.
108. In Section 112.145(c), the final sentence was replaced by "Income reinvested in the business, except for the purchase of real estate, is a recognized business expense. This includes the purchase of capital equipment, payments on principal of loans and other expenses need to produce goods or services.".
109. In Section 112.151(b)(6), "42 U.S.C. 5301 et seq." was changed to "42 U.S.C. 1437f".
110. In Section 112.151(b)(10), "is to be referred to the Bureau of AFDC JOBS Administration for review" was replaced by "will be reviewed in the DHS central office".
111. Section 112.250(b) was revised as follows:
- "If the amount of a recipient unit's grant, as determined under the appropriate provisions of the program would be greater than \$0 but less than \$11, the recipient unit is not eligible to receive a grant. However, such recipient units may be eligible for medical assistance."
112. Section 112.252(c) was revised as follows:
- "For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$50 or \$38, respectively, for each person above 18 or 12."
113. New Section 112.252(d) was deleted.
114. In the Section title for Section 112.307, "Non-citizen Immigrants" was replaced by "Non-Citizens Entering the Country Prior to 8/22/96".
115. Section 112.307(a) was revised as follows:
- "This Section 112.307, except as specified in subsection (b), applies to all non-citizens who entered the country prior to August 22, 1996, or who entered the country on or after that date, but whose sponsor did not sign an Affidavit of Support under Section 213A of the Immigration and Nationality Act (INA)."
116. In Section 112.307(b)(2), "under Section 208 of the INA" was added.
117. Section 112.307(b)(5) was deleted and the remaining Sections renumbered accordingly.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

118. In New Section 112.307(b)(5), "as refugees" was added after "admitted".
119. In Section 112.307(c), "alien" was changed to "non-citizen".
120. "the non-citizen has been a resident of the U.S. for less than three years;" was inserted as new Section 112.307(c)(3).
121. In Sections 112.307(g)(3) and (h), "immigrant" was changed to "non-citizen".
122. New Section 112.308 "Responsibility of Sponsors of Non-citizens Entering the Country on or After 8/22/96" was added.
123. In Section 112.330(b)(3), "poverty line" was changed to "federal poverty level".
124. Sections 112.350 through 112.418 were repealed.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? Yes
- 14) Are there any amendments pending on this Part: Yes
- | Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|----------------------------|
| 112.352 | Amendment | 21 Ill. Reg. 797 |
| 112.354 | Amendment | 21 Ill. Reg. 797 |
- 15) Summary and Purpose of Rule(s): Recent State legislation requires a complete revamping of the Aid to Families with Dependent Children (AFDC) program and federal legislation allows the Department to undertake this revamping. Such a replacement of the AFDC program results in changes to:
1. the grant structure;
 2. the family assistance units;
 3. the asset levels for determining eligibility;
 4. the treatment of income received by family units;
 5. the length of time assistance will be provided;
 6. employment and training activities; and
 7. the treatment of lump sums.

A State plan has been developed to provide temporary assistance for needy families in accordance with Section 402 of the Social Security Act as revised by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193). The Temporary Assistance for Needy Families (TANF) program is designed to help needy families become

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

self-supporting, strengthen family life and reduce the instances of economic need in Illinois families. The program builds upon proven State initiatives that have dramatically altered welfare in Illinois in recent years and provided the impetus for tens of thousands of families to become employed. The plan also prepares the stage for the new Illinois Department of Human Services to administer the welfare program starting July 1, 1997.

Federal requirements in the TANF program include a five-year, life-time limit on cash assistance and a requirement that families on cash assistance be in work activities after 24 months on aid. A month in which a parent works while receiving a cash grant would not be counted toward the family's five-year limit.

The TANF plan continues Illinois' successful Work Pays program, which has provided incentives for welfare clients to go to work. Instead of a \$1 reduction in aid for every \$1 earned in gainful employment, Work Pays participants are reduced \$1 for every \$3 of earnings. Since Work Pays was introduced in November 1993, more than 81,000 families have left welfare because of employment, and the number of current clients with jobs each month has jumped by 178 percent to nearly 40,000.

The TANF plan maintains the Targeted Work Initiative, Get a Job, Family Cap and the requirements for teen parents to live at home and remain in school to qualify for cash assistance. The time in which teen parents have their own TANF cases will not count against their five-year limit on cash assistance. The TANF plan expands the School Attendance Initiative to add middle schools to elementary schools and increases efforts by the State to reduce out-of-wedlock births.

TANF clients will be permitted to have up to \$3,000 of assets, such as savings, compared to the current level of \$1,000. The increased asset limitation is designed to encourage clients to save money to help them get off welfare. A home, car, household furnishings and clothing are not counted toward the asset limit.

All adults and minor parents on TANF will be required to sign a Responsibility and Services Plan which will address child immunizations, school attendance, family well-being and goals to become economically self-supporting. Clients will face loss of benefits for failing to follow through on the plan, as long as the Department provides the necessary supportive services.

Minor parents under age 18 with no child under the age of 12 weeks may receive assistance only if they have successfully completed high school, have a GED certificate, or are attending school. If these requirements are not met, their children may receive assistance even though the parent does not.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

The Department also will conduct assessments of all adults and minor parents on TANF to determine the appropriate placement in work-related activities.

TANF is designed to temporarily provide help while a family moves to self-sufficiency. There are three time limits relevant to the Illinois program:

1. Families whose youngest child is age 13 or more may only receive 24 months of TANF. Any month the grant is decreased due to earnings will not count as one of the 24 months.

2. No family may receive TANF if one or both adults have received 60 months of TANF benefits. All months of TANF benefits are counted against the 60, including those received in other states, and in non-continuous months. State funds will be used to provide assistance to families with earned income and teen parents who are exempt from the live-at-home provision. Therefore, the five-year limit will not apply to these cases.

3. All families must engage in work activities within 24 months or, if earlier, whenever determined able to work.

These time limits, expected to be adequate for families to move to self-sufficiency, are a clear mandate that welfare is not a long term benefit.

Current AFDC families will not be required to file a new application to participate in the Illinois TANF program. This assures an equitable transition and provides for uninterrupted assistance payments.

These proposed amendments establish that:

A. Child only assistance will serve:

1. children living with a relative other than a parent when the relative chooses not to be included in the assistance payment; and

2. children who meet the citizenship requirements and are living with parents who are not eligible because they are not U.S. citizens or qualified aliens.

B. Temporary assistance for families will serve families which do not have an employed family member. Families may be composed of:

1. children and no more than two related adults; or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

2. a pregnant woman with no children and her spouse, if living with her.

Families participating in work activities, but not employed, will be included in this component.

- C. Temporary assistance for employed families will serve families which contain at least one employed family member in the assistance payment, whose earnings are considered in determining eligibility and the assistance payment. Families may be composed of:

1. children and no more than two related adults;
2. a pregnant woman with no children and her spouse, if living with her.

Felons and Parole or Probation Violators

This rulemaking also establishes that persons convicted for acts that occur after August 21, 1996, of a Class X or Class 1 felony involving the possession, use or distribution of a controlled substance under Illinois or comparable federal law will not receive payment. Persons convicted for acts that occur after August 21, 1996, of any drug-related felony not listed in subsection (a) of 89 Ill. Adm. Code 112.69, under Illinois or federal law, who are not in treatment or aftercare will be ineligible for two years following the date of the conviction. Persons convicted in state or federal court of misrepresenting an address to receive assistance from programs funded by a federal TANF grant, Title XIX, the Food Stamp Act of 1977, or the Supplemental Security Income program in two or more states will be ineligible to participate in the Illinois TANF program for a ten-year period beginning with the date of the conviction. Also, probation, parole violators and fugitive felons will not be eligible.

Family members of the persons ineligible under subsections (a) through (f) of 89 Ill. Adm. Code 112.69 may be eligible, unless the ineligible person is the only child in the family. In considering eligibility and the amount of assistance for such family members, the income and resources of the ineligible person will be considered available to them.

Sanctions

Under TANF, sanctions will be consistent regardless of the reason and the provisions will guarantee fairness with a right to correct the problem. Sanctions will not be applied to a single custodial parent of a child under age 6 if child care is not available because none is available within reasonable distance of the family's home, or informal child care from a relative or elsewhere is not available or not suitable, or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

appropriate and affordable formal child care arrangements are not available.

Sanctions for failure to cooperate with employment or child support activities will be applied to families participating in TANF. The first instance of non-cooperation will result in the assistance payment being reduced by 50% until the cooperation requirement is satisfied or three months of reduced payments have been issued. If cooperation has not occurred at the end of three months, the entire assistance payment will be discontinued. The second instance of non-cooperation will result in the assistance payment being reduced by 50% for a minimum of three months. If cooperation has not occurred at the conclusion of three months, the entire assistance payment will be discontinued.

The third and any subsequent instances of non-cooperation will result in the payment being discontinued for a minimum of three months and will not be resumed until cooperation has occurred.

Sanction penalties will accumulate by family, not by person, during any single period of continuous assistance. A loss of all cash assistance due to a sanction will not be considered a break in assistance. If a family member's non-cooperation occurs during a sanction period which was the result of another member's non-cooperation, the next progressive sanction will apply.

Exempt Unearned Income

These proposed amendments exempt:

- payments to a member of the Passamaquoddy Indian Tribe, the Penobscot Nation or the Houlton Band of the Maliseet Indians pursuant to the Maine Indian Claims Settlement Act of 1980; and
- up to \$2000 per year of income received by individual Indians, which is derived from leases or other uses of individually-owned trust or restricted lands pursuant to Section 13736 of P.L. 103-66.
- Payments based on disability status in an amount up to the Supplemental Security Income (SSI) payment level for one person with no income. This disregard applies to disability benefits from Social Security (including SSI), Railroad Retirement Disability, Department of Veterans Affairs (100% disability only), and Black Lung.
- Two dollars of every three dollars of excess child support distributed by the child support agency to a family with earnings budgeted.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

Lump-Sum Payments

Lump-sum payments that bring a family's countable resources up to the asset disregard level for that family's size will not be counted in determining eligibility. However, that portion of a lump-sum payment that exceeds the amount that brings the family's countable resources up to the asset disregard level for that family's size will be considered as follows:

1. If the amount is less than the assistance payment level, the assistance payment for the month following the receipt of the lump-sum payment will be reduced by that amount.
2. If the amount is greater than the assistance payment level, the following action will be taken based on the specific amount of the lump-sum payment:
 - a. If the amount is \$1000 or less, the family will be ineligible for one month.
 - b. If the amount is more than \$1000, but less than or equal to \$2000, the family will be ineligible for two months.
 - c. One additional month of ineligibility will be added for each \$1000 increment.

Earned Income Exemption

At the time of application for assistance, each employed applicant will be allowed a \$90 deduction from earned income. The remainder, plus all other budgetable income, will be compared to the payment level to determine eligibility. For employed recipients, all available income will be compared to the federal poverty level to determine continued eligibility. If eligible, one-third of each individual's earnings and all other budgetable income will be deducted from the family's payment level. The earned income exemption will not apply when determining initial eligibility. If the assistance unit is determined eligible without the earned income exemption, the two-thirds deduction will be applied.

Unavailable Assets

An asset will be considered unavailable if the co-owner refuses to make the asset available or the client is unwilling to avail himself or herself of the asset because the co-owner has engaged in violent activity against a family member in the past.

Exempt Assets

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

These proposed amendments exempt:

1. one automobile per assistance unit;
2. the value of any savings in which the money accumulated from the earnings of a child; and
3. the value of equipment and inventory needed for a functioning self-employment enterprise or being held in accordance with a responsibility and services plan for the establishment of a self-employment enterprise.

In addition to the exempt assets listed in 89 Ill. Adm. Code 112.151, the Department will disregard up to \$2000 of equity value of other resources for a one-person family and up to \$3000 of equity value of other resources for a two-person family. The asset disregard will increase \$50 for each additional person (for example, \$3050 for a three-person family and \$3100 for a four-person family).

Reporting Requirements for Clients with Earnings

All assistance units which contain a member who is employed or who has lost employment within the last three months must submit a written completed report form to the Department quarterly. The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to eligibility for the budget month and any changes in these factors which the unit expects to occur in the current month or in future months.

All units which must report quarterly will have benefits calculated for three months by considering income and attendant circumstances on a prospective basis. Earnings will be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for a three-month period.

Clients who experience a decrease in income below the amount anticipated may be eligible for a supplemental payment. A supplemental payment must be requested in writing. Eligibility for a supplemental payment may exist if the gross earned (minus self-employment business expenses, if any) and unearned income (including the assistance payment) received from all sources for the payment month is less than the payment level for an assistance unit of comparable size.

If these conditions are met, the amount of supplemental payment the client is eligible to receive, if any, will be determined by adding the gross earned income (minus self-employment business expenses and the two-thirds earned income deduction) and the gross unearned income (including the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

assistance payment) received in the payment month. This amount is subtracted from the payment level for an assistance unit of comparable size. If the difference is \$10 or more, the client is eligible for a supplemental payment. The supplemental payment for which the client is eligible is the amount of the difference.

Clients who experience an increase in income above the amount anticipated will not be referred for an overpayment based on the increased income.

At intake, actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the IPE amount. The first regular roll payment amount will be computed using income averaging.

When the completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the grant is being reduced or terminated, as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.

If the Department does not receive the quarterly report or receives only an incomplete report, cash assistance may be terminated. The Department must send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days after the date of notice, whichever is later, assistance will be reinstated to the level of the prior month.

If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period.

If a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three-month period will not exist. The client will be allowed all the applicable earned income disregards for those months for which eligibility is determined.

All caretaker relatives who are required to file quarterly reports will be

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

notified of their responsibility, receive a complete explanation of the requirements and be informed of the due date for the first report.

Other Provisions

These proposed amendments establish that:

1. A pregnant woman and her spouse (if living together), who would be eligible for TANF when the child is born, may receive assistance as adult or adults only.
2. When an unmarried pregnant woman is receiving or is eligible to receive cash assistance as a child in a TANF case and the child's legal father is not present, the woman is not eligible for cash assistance as an Adult only pregnant woman.

16) Information and answers to questions regarding this adopted rule shall be directed to:

Mrs. Susan Warrner Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, IL 62762
Telephone number: (217) 785-9772
TTY: (217) 557-1547

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES
~~AID-TO-FAMILIES-WITH-DEPENDENT-CHILDREN~~

SUBPART A: GENERAL PROVISIONS

Section
112.1 Description of the Assistance Program
112.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.40 Living Arrangement
112.50 Social Security Numbers
112.52 Assignment of Medical Support Rights
112.54 Basis of Eligibility ~~lack-of-parental-support-or-care~~
112.60 Death of a Parent (Repealed)
112.61 Incapacity of a Parent (Repealed)
112.62 Continued Absence of a Parent (Repealed)
112.63 Unemployment of the Parent (Repealed)
112.64 Responsibility and Services ~~Employment~~ Plan
112.65 Alcohol and Substance Abuse Treatment
112.66 Restriction in Payment to Households Headed by a Minor Parent
112.67 School Attendance Initiative
112.68 Felons and Violators of Parole or Probation
112.69

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS ~~FOR~~
~~OPPORTUNITIES-AND-BASIC-SKILLS-TRAINING-(JOBS)-PROGRAM~~

Section
112.70 Employment and Work Activity Requirements ~~Participation-Requirements~~
~~for-JOBS~~
112.71 Individuals Exempt from TANF Employment and Work Activity Requirements ~~JOBS~~
112.72 ~~JOBS~~ Participation/Cooperation Requirements
112.73 Adolescent Parent Program (Repealed)
112.74 Responsibility and Services Plan ~~JOBS---Initial---Assessment~~

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

~~Process/Development-of-an-Employability-Plan~~

112.75 Teen Parent Personal Responsibility Plan (Repealed)
112.76 TANF ~~JOBS~~ Orientation
112.77 Reconciliation Conciliation and Fair Hearings
112.78 TANF Employment and Work Activities ~~JOBS-Components~~
112.79 ~~JOBS~~ Sanctions
112.80 Good Cause for Failure to Comply with TANF ~~JOBS~~ Participation Requirements
112.81 Responsible Relative Eligibility for JOBS (Repealed)
112.82 ~~JOBS~~ Supportive Services
112.83 Teen Parent Services ~~Young-Parents-Program~~
112.84 Work Experience Evaluation Project (Repealed)
112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

SUBPART E: PROJECT ADVANCE

Section
112.86 Project Advance (Repealed)
112.87 Project Advance Experimental and Control Groups (Repealed)
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.89 Project Advance Cooperation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)
112.90 Project Advance Sanctions (Repealed)
112.91 Good Cause for Failure to Comply with Project Advance (Repealed)
112.93 Individuals Exempt From Project Advance (Repealed)
112.95 Project Advance Supportive Services (Repealed)

SUBPART F: EXCHANGE PROGRAM

Section
112.98 Exchange Program (Repealed)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section
112.100 Unearned Income
112.101 Unearned Income of Stepparent or Parent
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
112.110 Exempt Unearned Income
112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

112.126 Earmarked Income
 112.127 Lump-Sum Bump-Sum Payments
 112.128 Protected Income (Repealed)
 112.130 Earned Income
 112.131 Earned Income Tax Credit
 112.132 Budgeting Earned Income
 112.133 Application-end/Or-Bate-Of-Decision
 112.134 Initial Employment
 112.135 Budgeting Earned Income For Contractual Employees
 112.136 Budgeting Earned Income For Non-Contractual School Employees
 112.137 Termination of Employment
 112.138 Transitional Payments (Repealed)
 112.140 Exempt Earned Income
 112.141 Earned Income Exemption
 112.142 Exclusion From Earned Income Exemption
 112.143 Recognized Employment Expenses
 112.144 Income from Work-Study and Training Programs From-Work-Study/Training Program
 112.145 Earned Income From Self-Employment
 112.146 Earned Income From Roomer and Boarder
 112.147 Income From Rental Property
 112.148 Payments from the Illinois Department of Children and Family Services
 112.149 Earned Income In-Kind
 112.150 Assets
 112.151 Exempt Assets
 112.152 Asset Disregards
 112.153 Deferral of Consideration of Assets
 112.154 Property Transfers (Repealed)
 112.155 APBE Income Limit

SUBPART H: PAYMENT AMOUNTS

Section
 112.250 Grant Levels
 112.251 Payment Levels in-APBE
 112.252 Payment Levels in APBE Group I Counties
 112.253 Payment Levels in APBE Group II Counties
 112.254 Payment Levels in APBE Group III Counties
 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States

SUBPART I: OTHER PROVISIONS

Section
 112.300 Persons Who May Be Included in the Assistance Unit
 112.301 Presumptive Eligibility
 112.302 Monthly Reporting Requirements for Clients with Earnings

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

112.303 Retrospective Budgeting
 112.304 Budgeting Schedule
 112.305 Strikers
 112.306 Foster Care Program
 112.307 Responsibility of Sponsors of Non-Citizens Entering the County Prior to 8/22/96 Aliens
 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country on or After 8/22/96 Special-Needs-Authorizations
 112.309 Institutional Status
 112.315 Young Parent Program (Renumbered)
 112.320 Redetermination of Eligibility
 112.330 Extension of Medical Assistance Due to Increased Income from Employment
 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
 112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
 112.340 New Start Payments to Individuals Released from Department of Corrections Facilities (Repealed)

SUBPART J: CHILD CARE

Section
 112.350 Child Care (Repealed)
 112.352 Child Care Eligibility (Repealed)
 112.354 Qualified Provider (Repealed)
 112.356 Notification of Available Services (Repealed)
 112.358 Participant Rights and Responsibilities (Repealed)
 112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)
 112.364 Rates of Payment for Child Care (Repealed)
 112.366 Method of Providing Child Care (Repealed)
 112.370 Non-JOBS Education and Training Program (Repealed)

SUBPART K: TRANSITIONAL CHILD CARE

Section
 112.400 Transitional Child Care Eligibility (Repealed)
 112.404 Duration of Eligibility for Transitional Child Care (Repealed)
 112.406 Loss of Eligibility for Transitional Child Care (Repealed)
 112.408 Qualified Child Care Providers (Repealed)
 112.410 Notification of Available Services (Repealed)
 112.412 Participant Rights and Responsibilities (Repealed)
 112.414 Child Care Overpayments and Recoveries (Repealed)
 112.416 Fees for Service for Transitional Child Care (Repealed)
 112.418 Rates of Payment for Transitional Child Care (Repealed)

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 3538, effective February 15, 1996; amended at 20 Ill. Reg. 5648, effective March 30, 1996; amended at 20 Ill. Reg. 6018, effective April 12, 1996; amended at 20 Ill. Reg. 6498, effective April 29, 1996; amended at 20 Ill. Reg. 7892, effective June 1, 1996; emergency amendment at 20 Ill. Reg. 12499, effective September 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14820, effective November 1, 1996; amendment at 20 Ill. Reg. 15983, effective December 9, 1996; emergency amendment at 21 Ill. Reg. 662, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 940, effective January 7, 1997; amended at 21 Ill. Reg. 1366, effective January 15, 1997; amended at 21 Ill. Reg. 2655, effective February 7, 1997; amended at 21 Ill. Reg. 7391, effective May 31, 1997; emergency amendment at 21 Ill. Reg. 8426, effective July 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 9397, effective

NOV 24 1997

SUBPART A: GENERAL PROVISIONS

Section 112.1 Description of the Assistance Program

The program provides temporary assistance for needy families. Clients are limited to 60 months of benefits as an adult. This is a lifetime limit and includes cash benefits received both in Illinois and other states. Months in which the family has 20 hours of employment per week will not count toward the 60-month limit. Months in which a family head is a teen parent under age 18 will not count toward the 60-month limit. All parents or caretakers must engage in work activities within 24 months or, if earlier, when determined able to work.

~~Aid-to-Families-with-Dependent-Children-(AFDC)--financial--assistance--medical assistance-and-social-services-available-to-families-with-one-or-more-dependent children--or--in-behalf--of--dependent--children--placed-in-foster-care-by-the~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Department-of-Children-and-Family-Services-(DCFS)-

- a) Aid-to-Families-with-Dependent-Children-Poster-(APDC-P)-Payment-issued-through-DCFS-for-a-care-provided-by-a-licensed-foster-home-or-private-non-profit-institution-to-an-eligible-child-placed-in-foster-care-
- b) Aid-to-Families-with-Dependent-Children-Regular-(APDC-R)-Based-on-the-death-absence-or-incapacity-of-a-parent,
- c) Aid-to-Families-with-Dependent-Children-Unemployed---(APDC-U)---Based-on-unemployment-of-parent-

(Source: Amended at 21 Ill. Reg. 15597, effective

11-9-97)

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.8 Caretaker Relative

- a) The caretaker relative is the specified relative with whom the child is living. When a dependent child lives with a parent, that parent shall be designated as the caretaker relative except as follows:

- 1) another relative in the home shall be the caretaker relative if DCFS has placed the child with the relative; or

- 2) the relative has assumed responsibility for the child due to the parent's inability to adequately care for the child.

- b) Specified relatives are the following blood and adoptive relatives:

- 1) First Degree of Relationship:

- A) father; or
B) mother.

- 2) Second Degree of Relationship:

- A) brother;
B) sister;
C) grandfather; or
D) grandmother.

- 3) Third Degree of Relationship:

- A) great-grandfather;
B) great-grandmother;
C) uncle;
D) aunt;
E) nephew; or
F) niece.

- 4) Fourth Degree of Relationship:

- A) great-great-grandfather;
B) great-great-grandmother;
C) great-uncle;
D) great-aunt;
E) first cousin;
F) great-niece; or
G) great-nephew.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 5) Fifth Degree of Relationship:

- A) great-great-great-grandfather;
B) great-great-great-grandmother;
C) great-great-uncle;
D) great-great-aunt;
E) first cousin once removed;
F) second cousin;
G) great-great niece; or
H) great-great nephew.

- 6) Step-Relatives:

- A) step-father;
B) step-mother;
C) step-brother; or
D) step-sister.

- 7) Person who is or has been married to one of the relatives listed in subsections (b)(1) through (6) above.

- c) Every ~~TANF APDC-R-and-APDC-U~~ case shall have one person designated as the caretaker relative. The caretaker relative does not have to meet a minimum or a maximum age requirement. If the caretaker relative is included in the assistance unit, this person shall be considered an adult.

- d) One person may be the caretaker relative for two separate ~~TANF APDC~~ financial assistance units only as follows:

- 1) The person, his or her child or children, siblings and the child or children's other parent ~~(or-an-essential-person)~~ shall receive ~~TANF APDC~~ in one assistance unit; and

- 2) A separate assistance unit shall be established when the person is also caretaker relative for other related children (for whom the person is not a parent). The second assistance unit must also contain an eligible parent or parents and siblings of the child or children in the unit.

- e) When a specified relative is no longer available to act as a caretaker relative, for children already receiving cash benefits, another person may serve as a Temporary Caretaker for a period not to exceed 90 days. "Living with" requirements of the child or children are the same as with a caretaker relative. The Temporary Caretaker will not be included in the assistance unit.

(Source: Amended at 21 Ill. Reg. 15597, effective NOV 26 1997)

Section 112.30 Age

- a) There is no minimum or maximum age requirement to be designated as or to receive assistance as a caretaker relative. If an individual receives financial assistance as a caretaker relative that individual shall not be considered as a child in the determination of the level of assistance.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

b) To be included in the assistance grant as a dependent child, the child must be under age 18 or age 18 and in a full-time secondary high school senior--(for--equivalent-level)--and-will-finish-school-before-reaching-age-19.

1) Dependent children who are 16 or 17 years of age--and--not--in full-time--school--attendance--must--meet--mandatory--work demonstration--Program/illinois--State--Employment--Services (WBP/ISPS)--registration-requirements.

1)2) During summer vacation a dependent child who intends to return to school or one who experiences a temporary illness (not to exceed 90 days) which precludes school attendance is to be considered a full-time student.

2)3) Full-time attendance must be in a school, college or university approved by the State Board of Education defined as follows:

A) High School -- 25 clock hours per week or in a special secondary education program of training which is designed to fit him or her for gainful employment and is defined by the school as full-time attendance.

B) Vocational or technical school -- 30 clock hours per week when program involves shop practice, 25 clock hours per week when program does not involve shop practice.

C) College or university -- 12 semester or quarter hours that is equivalent to that which leads to obtaining a high school diploma. The program may include various life skills and vocational training. If the child is age 19, the child must be expected to complete the program before attaining age 19.

(Source: Amended at 21 Ill. Reg.

15597

effective

NOV 26 1997

Section 112.52 Social Security Numbers

a) To be eligible for TANF APPE, each individual individuals must furnish the Department his or her his/her Social Security Number Numbers. If more than one Social Security Number has been assigned to any individual individuals, all numbers are to be furnished.

b) If a Social Security Number cannot be furnished, either because it has not been issued or is not known knew, application shall be made for a Social Security Number.

c) Assistance will not be denied, delayed or discontinued pending the issuance or validation of a Social Security Number SSN if the individual, or someone acting responsibly for the individual applies for the Social Security Number SSN.

d) Individuals for whom a Social Security Number is not furnished and for whom application for a Social Security Number is not made are ineligible for an assistance grant under the TANF APPE program.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 21 Ill. Reg. 15597 = effective NOV 26 1997)

Section 112.60 Basis of Eligibility Back-of-Parental-Support-of-Care

a) Child only assistance serves:

1) children living with a relative other than a parent when the relative chooses not to be included in the assistance payment;

2) children who meet the citizenship requirements and are living with parents who are not eligible because they are not U.S. citizens or qualified aliens;

3) children living with a parent or parents who are ineligible for a reason other than not being U.S. citizens or qualified aliens; and

4) children living with a parent or parents who receive Supplemental Security Income (SSI), Social Security Disability, Railroad Retirement Disability, 100% Veterans' Disability, or Black Lung payments in excess of the difference in the Payment Level including the parent or parents and the Payment Level excluding the parent or parents.

b) Temporary assistance for families serves families that do not have an employed family member.

1) Families may be composed of:

A) children and no more than two parents;

B) children, caretaker, and caretaker's spouse;

C) a pregnant woman with no children and her spouse, if living in the home; or

D) a caretaker relative whose only eligible child(ren) in the home receives Supplemental Security Income (SSI).

2) Families participating in work activities, but not employed, are included in this component.

3) The services for these families will focus on activities to move clients to self-sufficiency through work and child support.

c) Temporary assistance for employed families serves families that contain at least one employed family member in the assistance payment, whose earnings are considered in determining eligibility and the assistance payment.

1) Families may be composed of:

A) children and no more than two parents;

B) children, caretaker, and caretaker's spouse;

C) a pregnant woman with no children and her spouse, if living in the home; or

D) a caretaker relative whose only eligible child(ren) in the home receives Supplemental Security Income (SSI).

2) Service for these families will focus on upgrading their skills to achieve self-sufficiency.

To be eligible for Aid to Families with Dependent Children--(AFDC)--and--related Medical Assistance--No Grant--(MANG)--assistance--a child--must--be--deprived--in

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

whole--or--in--party--of--parental--support--or--care--by--reason--of--the--death--of--a--parent--the--incapacity--of--a--parent--the--continued--absence--of--a--parent(s)--or--the--unemployment--of--the--parent.

(Source: Amended at 21 Ill. Reg. 15 597, effective NOV 20 1997)

Section 112.61 Death of a Parent (Repealed)

The death of either parent is a basis for a child's eligibility for Aid to Families with Dependent Children Regular (AFDC-R):

(Source: Repealed at 21 Ill. Reg. 15 597, effective NOV 20 1997)

Section 112.62 Incapacity of a Parent (Repealed)

a) The physical or mental incapacity of a parent is a basis for a child's eligibility for AFDC-R only if the incapacity is expected to last for a period of at least 30 days and reduces substantially or eliminates a parent's ability to support the child or provide the care that the child requires.

b) A finding of eligibility for Social Security benefits or State Supplemental Income (SSI) benefits, based on disability or blindness is acceptable proof of incapacity for AFDC-R purposes.

c) The incapacitated parent is required to accept medical treatment or rehabilitative services if recommended by the Department or by Department of Rehabilitation Services (DORS):

(Source: Repealed at 21 Ill. Reg. 15 597, effective NOV 20 1997)

Section 112.63 Continued Absence of a Parent (Repealed)

The continued absence of a parent exists as a basis for eligibility for AFDC-R if:

a) Paternity has not been established for the child; or
b) The child is living separate and apart from a parent or parents.

(Source: Repealed at 21 Ill. Reg. 15 597, effective NOV 20 1997)

Section 112.64 Unemployment of the Parent (Repealed)

a) Unemployment of the parent is the basis of a child's eligibility for Aid to Families with Dependent Children Unemployment (AFDC-U) whether or not the parent is in the assistance unit when the parent is in the home and is employable but unemployed.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

b) The parent designated as unemployed must be the principal wage earner of the family. The principal wage earner is defined as the parent who earned the greater amount of income during the 24 month period prior to application for assistance or who earned the greater amount of income during the 24 month period prior to the date of change in the cause of dependency, i.e., the date that there is no longer an absent parent or incapacity ended for one of the parents (see Section 112.62(a) for a definition of "incapacity").

c) As a condition of eligibility, the unemployed parent who is the principal wage earner must:

- 1) Apply for Unemployment Insurance (UI) benefits for which he has been referred by the Department; and
- 2) Accept any Unemployment Insurance benefits for which he is eligible.

d) In the counties of Franklin, Macon, Peoria, Tazewell, Vermilion, and Winnebago for cases which are assigned to a control group for the Family Responsibility Project, as a condition of eligibility for cash assistance, the unemployed parent who is the principal wage earner must:

- 1) Participate or be available for participation in Project Chance (see Sections 112.70 thru 112.83) unless exempt;
- 2) Register for employment at the Department of Employment Security's Job Service Office if exempt from Project Chance due to remoteness (see Section 112.71);
- e) A parent who is the principal wage earner is unemployed if:

1) The parent is working for an employer or is self-employed but is working less than 100 hours per month; if employment equals or exceeds 100 hours during a particular month, the parent may still be considered unemployed if he was employed for less than 100 hours for the prior two months and is expected to be employed for less than 100 hours for the following month.

2) The parent is not working and he has not worked at least 30 days prior to the receipt of assistance.

3) The parent has not refused an offer of suitable and available employment without good cause for at least 30 days prior to the receipt of assistance.

* AGENCY NOTE: Regardless of the application date, the initial authorization may not include assistance for any portion of the 30-day period since discontinuation of or refusal to accept an offer of employment.

f) In the counties of Franklin, Macon, Peoria, Tazewell, Vermilion, and Winnebago for cases which are assigned to a control group for the Family Responsibility Project, the principal wage earner is unemployed if he/she has established a connection with the labor force by meeting one of the conditions below:

- 1) The principal wage earner received Unemployment Insurance benefits within one year prior to the date of the AFDC application or within one year prior to the date the cause of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) dependency-changed-to-unemployment-of-the-parent-
the-principal-wage-earner-has-at-least-six-work-quarters--within
any-consecutive-13-calendar-quarters-within-16-calendar-quarters
immediately-preceding-the-quarter-during-which-application-for
APBE-is-made-or-the-date-the-cause-of-dependency-changed-to
unemployment-of-the-parent--No-more-than-four-(4)-of-the-six-(6)
may-be-quarters-of-work-defined-in-subsection-(f)(2)(B)(iii)
below:
- A) A--calendar--quarter--is-defined-as-three-calendar-months:
January-through-March--April-through-June--July-through
September--or-October-through-December.
- B) A--work-quarter--is-defined-as-a-calendar-quarter-in-which
the-parent:
- i) Earned-at-least-\$507-or
ii) Participated-in-the-Project-Chance--Program--(see
Sections-112.70-thru-112.83)-or
iii) Attended-full-time-an-elementary-or-secondary-school
or-an-approved-vocational-or-technical-training-course
(see-Sections-112.130-and-112.140)-that-is-designed-to
prepare-the-parent-for-gainful-employment-or
participated-in-an-education-or-training-program
established-under-the-Job-Training-Partnership-Act
(JTPA)-(29-U.S.C.-1501-et-seq.);
- E) The-principal-wage-earner-performed-work-which-would-have
qualified-him-for-Unemployment-Insurance-Benefits-if-he-had
applied--The-determination-of-whether-he-would-have
qualified-is-made-by-establishing-that-during-any
consecutive-four-of-the-first-eight-of-the-nine-calendar
quarters-immediately-preceding-the-quarter-in-which-APBE-B
application-is-made-or-that-during-any-consecutive-four-of
the-first-eight-of-the-nine-calendar-quarters-immediately
preceding-the-quarter-in-which-the-cause-of-dependency
changed-to-unemployment-of-the-parent-the-parent:
i) Earned-a-total-of-at-least-\$1600-gross-and
ii) Earned-at-least-\$440-gross-in-3-of-the-4-quarters
excluding-the-quarter-in-which-the-earnings-were-the
highest;
- g) Except-for-cases-assigned-to-a-control-group-in-the-counties-of
Franklin--Macon--Peoria--Tazewell--Vermilion--and--Winnebago
subsections-(e)-and-(f)-above-do-not-apply-to-APBE-BP-cases-in-the
Family-Responsibility-Project.

(Source: Repealed at 21 Ill. Reg. 15597, effective
NOV 26 1991)

Section 112.65 Responsibility and Services Employment Plan

- a) The Department shall advise every applicant and recipient of:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) the requirement that all recipients move toward self-sufficiency;
and
- 2) the value and benefits of employment.
- b) Clients who are adults or minor parents As-a-condition-of-eligibility
for-the-entire-assistance-unity-adult-applicants must prepare, sign
and submit a personal Responsibility and Services Plan plan-for
achieving-employment. Active adult recipients who are adults or minor
parents who have not previously prepared, signed and submitted a
personal Responsibility and Services Plan plan-for-achieving
employment must comply with the plan do-so. Department staff shall
assist each client in completing the plan-if-the-client-requests-such
assistance---This-condition-of-eligibility-applies-to-all-adult
applicants-and-recipients-of-cash-assistance-except-those-who-have
good-cause-for-not-completing-the-plan--Good-cause-exists-only-if-the
applicant-or-recipient-is-employed-20-or-more-hours-per-week.
- c) The Responsibility and Services Plan employment-plan-form includes the
following:
- 1) job history;
 - 2) job preferences; and
 - 3) job search plans;
 - 4) child immunization;
 - 5) school attendance;
 - 6) family well-being, including domestic violence, substance abuse,
homelessness and mental and physical health issues;
 - 7) family information;
 - 8) income and assets;
 - 9) child support;
 - 10) education/training;
 - 11) child care;
 - 12) transportation;
 - 13) legal; and
 - 14) referral.
- d) This Section does not apply applies to Representative Payees all--APBE
applicants--and-recipients--except--for--those-in-cases-designated-as
control-cases-in-research-sites.
- e) A parent who refuses to complete the Responsibility and Services Plan,
when appropriate for his or her family, renders the entire assistance
unit ineligible. Supervisory approval is required to confirm refusal.
- f) A client who fails to follow up in taking the necessary steps that
will lead to self-sufficiency, as decided upon in the Responsibility
and Services Plan, is subject to sanction (see Section 112.79).
Failure to comply with provisions relating to domestic violence will
not result in sanction.

(Source: Amended NOV 26 1991 21 Ill. Reg. 15597, effective
NOV 26 1991)

Section 112.66 Alcohol and Substance Abuse Treatment

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- a) In areas of the State where appropriate substance abuse programs have capacity, adults ~~All designated adult APPE-R and APPE-U clients living in demonstration project areas (Kenwood, Oakland, Peoria, Pershing and Winnebago)~~ identified as having an alcohol or substance abuse problem (see 77 Ill. Adm. Code 2060, Alcoholism and Substance Abuse Treatment and Intervention Licenses) must participate in an alcohol or substance abuse treatment program ~~as a condition of eligibility~~ unless the adult is employed 30 hours per week or more. ~~APPE-cases-in-the demonstration project area are assigned to experimental or control groups--the adults in the experimental cases meeting the criteria are subject to this policy.~~
- b) Failure to participate, without good cause, in an alcohol or substance abuse treatment program, when there is a currently available treatment slot, will result in progressive sanction or sanctions (see Section 112.79). ~~for the adult:~~
- 1) ~~First--sanction--the client is deleted from the cash grant until cooperation is defined by BASA~~
 - 2) ~~Second--sanction--the client is deleted from the cash grant for three months or until cooperation is defined by BASA, whichever is longer.~~
 - 3) ~~Third--and subsequent sanctions--the client is deleted from the cash grant for six months or until cooperation is defined by BASA, whichever is longer.~~
- c) Supportive services will be provided to enable the client to participate in the alcohol or substance abuse treatment program.
- d) ~~Adults in the experimental cases who must participate in an alcohol or substance abuse treatment program as a condition of eligibility are mandatory--for these individuals, the exemption criteria listed in Section 112.71 do not apply.~~
- e) ~~The provisions of this section are subject to receipt of federal waivers.~~

(Source: Amended at 21 Ill. Reg. 15597, effective NOV 26 1997)

Section 112.67 Restriction in Payment to Households Headed by a Minor Parent

- a) A minor parent (including a pregnant woman) under age 18 who has never married and the dependent child in his or her care must reside in the household of his or her parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement, in order to receive a ~~TANF~~ APPE cash payment unless:
- 1) The minor parent has no living parent or legal guardian whose whereabouts are known;
 - 2) No living parent or legal guardian of the minor parent allows the minor parent to live in his or her home;
 - 3) The minor parent lived apart from his or her own parent or legal guardian for a period of at least one year before either the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- birth of the dependent child or the minor parent's having made application for TANF APPE;
- 4) The physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided in the same residence with the parent or legal guardian;
 - 5) There is otherwise good cause for the minor parent and dependent child to receive assistance while living apart from the parent, legal guardian, or other adult relative, or an adult-supervised supportive living arrangement. These reasons are:
 - A) The parent or guardian lives out-of-state;
 - B) The parent or guardian is in an institution;
 - C) The parent or guardian is a substance abuser;
 - D) The return of the minor parent and child to the parent or guardian's home would result in a lease violation or violation of local health or safety standards;
 - E) The minor parent is placed by DCFS in independent living (see 89 Ill. Adm. Code 302.40(e)); or
 - F) The minor parent is in a licensed substance abuse program which would not be available if the minor returned to the parent or guardian's home.
 - b) The minor shall have the right to choose among these approvable living arrangements. The Department shall not require the minor to explain why he or she chose one arrangement over another.
 - c) When a minor parent and his or her dependent child are required to live with the parent, legal guardian, or other adult relative, or in an adult-supervised supportive living arrangement, then, where possible, the TANF APPE grant is paid to the adult who is responsible for supervising the minor. Otherwise, the minor receives the TANF APPE grant.
 - d) Minor parents under age 20 with no child under the age of 12 weeks may receive assistance only if they have successfully completed high school, have a GED certificate, or are attending school, except 18 and 19 year olds may be assigned to work activities or training if it is determined by an individualized assessment that such educational activities are inappropriate. If these requirements are not met, they are subject to sanction (see Section 112.79).

(Source: Amended at 21 Ill. Reg. 15597, effective NOV 26 1997)

Section 112.68 School Attendance Initiative

- a) Identification and Referral
- 1) Participating elementary schools will identify children in grades one through eight who receive TANF and who are not attending school regularly, as defined by the school. If the schools cannot address the families' problems that appear to be resulting in irregular school attendance, they will refer the families to

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

participating social service networks. The family will be notified, in writing, of the referral and the consequences for non-cooperation with the referral.

- 2) Social service networks should be specifically equipped to address the causes of truancy, at no cost to the family other than the normal co-payment under existing programs.

- 3) Upon referral, a Social Service Network Representative will assess the specific family situation and will develop a service plan with the family that will include getting the child to regularly attend school.

- 4) The service plan for the truant child in grades seven and eight is completed by the social service agency, school, juvenile justice system or other agency. The plan includes options such as community service, mandatory after school tutoring/mentoring programs, and working with juvenile advocates. It may also include suspension from extracurricular activities. Contact with law enforcement may also be involved.

b) Use of Protective Payee

- 1) Upon failure of the family to cooperate with the referral, or with the service plan, as determined by the social service provider, the family will be placed under a Protective Payee with the Social Service Network Representative acting as the payee for the family's TANF grant. The provisions of 89 Ill. Adm. Code 117.10 shall otherwise apply.

- 2) The Protective Payee will remain in effect until the family follows through with the service plan, as determined by the social service provider. The Protective Payee may be discontinued during the months of June, July and August at the option of the service provider.

c) Cash Assistance Sanctions

- 1) If a protective payee plan, as provided in subsection (b) of this Section, has been in effect for at least three months and the child continues to regularly miss school, as defined by the school, the cash assistance payment will be reduced by 50 percent of the family's payment level until the attendance is satisfactory. If attendance is not satisfactory after three months of reduced payments, the entire cash payment will be stopped.

- 2) For a second instance, the cash assistance payment will be reduced by 50 percent of the family's payment level for three months. If attendance is not satisfactory after three months of reduced payments, the entire cash payment will be stopped.

- 3) For a third instance and any subsequent instance, the family's entire cash assistance payment will be stopped for at least three months. Cash assistance will be reinstated for the fourth month if the requirement is met during the three-month sanction period.

- 4) Sanction penalties accumulate by family, not by person, during any single period of continuous assistance. A single period of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

continuous assistance is not interrupted by a loss of all cash assistance due to a sanction. If a family member's non-cooperation occurs during a sanction period which was the result of another member's non-cooperation, the next progressive sanction shall apply.

- 5) Reconciliation must be attempted before imposing a sanction under this Section.

- 6) Sanctions will not be applied during the months of June, July and August, except in the case of year-round schools.

(Source: Added at 21 Ill. Reg. ~~1550~~, effective ~~NOV 26 1997~~)

Section 112.69 Felons and Violators of Parole or Probation

- a) Persons convicted, for acts that occur after August 21, 1996, of a Class X or Class 1 felony involving the possession, use or distribution of a controlled substance under Illinois or comparable federal law will not receive payment.

- b) Persons convicted, for acts that occur after August 21, 1996, of any drug-related felony not listed in subsection (a) of this Section under Illinois or federal law are ineligible for two years following the date of the conviction, unless they are in drug treatment or aftercare as defined in the Illinois Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/1-10] or have successfully participated in and completed drug treatment and/or aftercare subsequent to their conviction.

- c) Persons convicted in state or federal court of misrepresenting an address to receive assistance from programs funded by a federal TANF grant, Title XIX, the Food Stamp Act of 1977, or the Supplemental Security Income program in two or more states is ineligible to participate in the Illinois TANF program for a ten-year period beginning with the date of the conviction.

- d) Probation and parole violators are not eligible.

- e) Fugitive felons are not eligible.

- f) Family members of the persons ineligible under subsections (a) through (e) of this Section may be eligible, unless the ineligible person is the only child in the family. In considering eligibility and the amount of assistance for such family members, the income and resources of the ineligible person are considered available to them.

(Source: Added NOV 26 1997, 21 Ill. Reg. ~~1550~~, effective ~~NOV 26 1997~~)

SUBPART C: TANF EMPLOYMENT AND WORK ACTIVITY REQUIREMENTS FOR OPPORTUNITIES-AND-BASIC-SKILLS-TRAINING-(JOBS)-PROGRAM

Section 112.70 Employment and Work Activity Requirements Participation

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Requirements for JOBS

Sections 112.70 through 112.83 describe the employment and work activity requirements for TANF clients and clients receiving family assistance from State funds only. ~~JOBS--Opportunities and Basic Skills Training (JOBS) Program employment, education, and training participation requirements for APBE clients.~~ The purpose of TANF JOBS is to provide temporary assistance to ~~ensure~~ that needy individuals and families and assist them in obtaining obtain education, training and employment to that will help avoid long-term welfare dependence. The TANF Program JOBS will focus on enhancing the long-term employability of TANF APBE clients by assessing the individual capabilities of each program participant, using the Family Assessment to create a Responsibility and Services Plan to match allow to the greatest extent possible the individual's preferences in completing the employability plan and matching the participant to a suitable activity and employment goal. The program will offer a wide variety of intensive activities aimed at assisting the participant to acquire the education and/or work skills needed to meet the demands of the current labor market as well as in the future and to become self-sufficient. After 24 months of TANF receipt, participants will be working or participating in a work activity as specified in the Responsibility and Services Plan in order to remain eligible for TANF. Work activities are appropriate activities to remove barriers to successful employment and to prepare TANF participants to achieve progress toward self-sufficiency. Upon completion of the individual's education and/or training all participants will seek employment as part of the employability plan. ~~To the extent possible, the program will have as its first priority individuals, whether exempt or non-exempt, who volunteer to participate. The Department will decide which the categories of individuals who can participate in JOBS-based upon budget analysis of component costs and Federal JOBS participation requirements. The program offered in different counties of the State may vary depending on the extent that resources are available.~~ The level of TANF employment or work activities in the State as a whole and in different counties of the State may vary depending upon available resources. Program services may be provided directly by the Illinois Department of Public Aid or through contract as allowed by Federal law. References to the Department or staff of the Department shall include contractors when the Department has entered into contracts for program services. In areas where the Department has contracted with community colleges, the program is called Opportunities. References to TANF and TANF participants and JOBS participants shall include Project Chance and Project Chance participants and Opportunities and Opportunities participants.

- a) Both exempt and nonexempt individuals receiving TANF APBE may participate in education and/or work activities JOBS when State resources permit. Nonexempt individuals individuals receiving TANF APBE are required to participate in education and/or work activities JOBS only to the extent there are resources available. Participation in education and/or work component activities may be mandated for nonexempt individuals. Minimally, one parent in a two-parent household will be required to participate in a work and/or work

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

activity or other appropriate activity. Parents in the APBE case may be required to participate in the Unemployed Parent Work Experience component unless they are exempt under one of the exemption criteria (see Section 112.71). Participation may be limited based on activity component cost or available funds for supportive services for participating individuals.

- b) Education and/or work activities JOBS services will also be offered to individuals who are exempt and volunteer wish to volunteer to participate to the extent resources allow. ~~Volunteers will be served first. However, participation may be mandated for nonexempt individuals if needed to serve adequate numbers in the target populations or if State resources are available to provide services beyond this volunteer population. Exempt and nonexempt individuals who volunteer to participate become a program participant when assigned to an activity upon completion of the initial Assessment development of the employability plan and assignment to a component (see Section 112.74). Participation may be limited for volunteers if State resources are insufficient. A waiting list will be established by geographical area to serve these on waiting lists in each geographical area. Volunteers who fail to attend the orientation and/or initial Assessment meetings will not be sanctioned. However, exempt and nonexempt volunteers who attend the orientation meeting and become program participants by completing the initial Assessment development of the employability plan and assignment to a component may be sanctioned if they thereafter do not meet program requirements without good cause (see Section 112.79). Nonexempt individuals who are mandated to participate but fail to participate attend the orientation meeting or to complete the initial Assessment, without good cause, will may be sanctioned.~~

c) In addition to work activities described in Section 112.78, work activities for TANF participants may also include:

- 1) a program in accordance with a plan developed with a provider of domestic violence services;
- 2) a program to treat alcohol or drug abuse in accordance with the Responsibility and Services Plan;
- 3) a program to treat mental health disorders in accordance with the Responsibility and Services Plan;
- 4) participation for at least 20 hours per week in VISTA, Job Corps, some paid JTPA programs, or work study for cash or financial credit for education expenses;
- 5) self-employment and micro enterprise activities in accordance with the Responsibility and Services Plan; and
- 6) foster parenting consistent with the Responsibility and Services Plan. If State resources are insufficient to provide component and supportive service costs for JOBS participants, child care, if needed, will be provided when the education or training activity for non-JOBS individuals in JOBS areas is approved based on the same criteria except the criterion that requires

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

individuals to participate an average of 20 hours each week--that is--used--for--JBS--individuals described in Section 112.78--(see Section 112.370)--Non-JBS individuals will request child care using the Department of Children and Family Services--request for child care services and registration.

d) JBS participation may be mandated to the extent resources allow and to the extent needed to meet federal program requirements and maintain a program that is balanced between education and training services and placement sources for job-ready individuals.

e) JBS resources will be targeted to the following groups:

1) current recipients who have received APBG for any--36--of--the preceding 60 months;

2) custodial parents under age 24 who have not completed high school or--have--little or no work experience within the preceding year;

3) members of families in which the youngest child is--within--two years of being ineligible for APBG because of age;

f) A custodial parent under age 20 who has not completed a high school education (or its equivalent) is not exempt from participation in educational activities directed toward obtaining a high school diploma (or equivalent) because of the age of the youngest child (see Section 112.71). Full-time participation (as defined by the educational provider) is required even if the individual's youngest child is under age 18. This requirement is conditioned upon provision to the young parent of all necessary child care services.

g) A custodial parent age 16 or--17--may be excused from educational activities directed toward obtaining a high school diploma (or equivalent) if the parent is unable to participate due to his or her own mental or physical illness or that of his or her spouse or child is homeless or is experiencing family or personal crisis.

h) A custodial parent who is age 18 or 19 may participate in training or work activities instead of educational activities if one of the following conditions is met:

1) prior to any assignment of the parent to educational activities it is determined based on an educational assessment and--the employment goal established in the parents' employability plan that participation in educational activities is not appropriate or

2) the parent fails to make good progress in successfully completing educational activities--and--it is determined based on an individual assessment and--the employment plan--that--the educational activity is not appropriate.

i) Individuals age 20 or over who have not completed a high school education (or equivalent) must participate in educational activities consistent with the employment goal established in the employability plan unless:

1) the individual reads at the 9-9 grade level;

2) the long-term employment goal identified in the individual's

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

employability plan--does not require a high school diploma (or equivalent) or the individual reads below the 9-9 grade level and--it is determined based on the individual's assessment that--the individual does not possess the aptitude to progress in an educational program--and--does not wish to participate in an educational program.

j) A parent or other relative personally caring for a child under age six will not be required to participate in JBS for more than 20 hours per week except as specified in subsection (f) of this Section.

k) Children in APBG cases who are ages 14-18 and attend school may be required to participate in the Youth Employment and Training Initiative under the Project Chance Program.

(Source: Amended NOV 26 1987, Ill. Reg. 15597, effective

Section 112.71 Individuals Exempt from TANF Employment and Work Activity Requirements JBS

a) An individual shall be exempt from TANF Employment and Work Activity Requirements JBS participation when that individual:

1) Is a child who is not a parent, is a child age 16 through 18 in full-time elementary, secondary, or--grades 9-12--or--equivalent vocational/technical school attendance--This exemption does not apply to:

A) children who return to school after becoming nonexempt;
B) children who are required to participate in the Youth Employment and Training Initiative (see 89 Ill. Adm. Code 170.10) and

C) parents under age 18, except those in a control group during the Work and Responsibility Demonstration in the Auburn Park and Williamson local offices.

2) Is the parent or other caretaker relative of a child under age one in the home who is personally providing care for the child. This includes family cap cases.

A) Only one person in a case may be exempted for this reason.
B) A parent under age 20, without a high school diploma or equivalent, cannot claim this exemption unless his or her youngest child is under 12 weeks of age.

Has a temporary or chronic illness or injuries.

A) temporary illness and injuries

i) An individual is temporarily ill--when determined by the local office on the basis of medical evidence (for example, statement from a medical provider) or on another sound basis--that the illness or injury is serious enough to temporarily prevent the individual from engaging in employment or participating in JBS.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

A--sound--basis--for--exemption--from--JGBS--on--a--temporary basis, includes but is not limited to:--the--observation of--a--cast--on--a--broken--leg--or--information--provided--by the--client, of--a--scheduled--surgery--or--recuperation--from surgery?

ii) Minor--ailments--and--injuries,--such--as--colds--broken fingers--or--rashes--are--not--serious--enough--normally,--to exempt--the--individual--under--this--criterion?

B) An--individual--is--chronically--ill--or--incapacitated,--as determined--by--the--local--office,--when--a--physician--or licensed/certified--psychologist--finds--that--a--physical--or mental--impairment,--either--by--itself--or--in--conjunction--with age--or--other--factors,--prevents--the--individual--from--engaging in--employment--or--participating--in--JGBS,--This--may--include--a period--of--recuperation--after--childbirth,--if--prescribed--by--a woman's--physician?

C) When--an--individual--is--determined--either--temporarily--or chronically--ill--or--incapacitated,--the--exemption--shall continue--until--further--action--is--taken--by--the--Department. When--the--exemption--is--initially--granted,--the--Department--will establish--a--date--as--to--when--the--condition--warranting--the exemption--is--expected--to--end--or--when--a--review--of--the--case will--be--reevaluated--to--determine--whether--the--exempted individual--continues--to--be--exempt--under--the--same--procedures as--for--the--initial--determination--of--exemption,--with appropriate--notice--to--the--individual--that--the--reevaluation is--necessary?

3) Is 60 years of age or older.

Is--under--age--16--or--is--age--60--years--or--older--unless--the--child--is required--to--participate--in--the--Youth--Employment--and--Training Initiative--or--is--a--pregnant--or--parenting--individual,--under--age 16,--who--is--required--to--participate--in--the--Adolescent--Parent Program--(see--Section--112.73)?

4) Are adults in families when only children are receiving TANF benefits.

Resides in an area remote from the JGBS office or service unit so that effective participation in the program is precluded. The individual is considered remote if a round trip of more than two hours by reasonably available public or private transportation exclusive of time necessary to transport children to and from a child care facility, would be required for a normal work or training day or if an individual has no means of transportation available?

5) Provides full time care for another household member when the need for care is due to the person's medical condition?

6) Is the parent or other caretaker relative of a child under age three in the home who is personally providing care for the child?

A) Only one person in a case may be exempted for this reason?

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

B) A parent under age 20, without a high school diploma or equivalent cannot claim this exemption?
C) A person cannot be exempted due to providing care for a child under age three who is included in the grant as a capped Accountability Project, is included in the grant as a capped child (that is, subject to the Personal Responsibility Project as described in Sections 112.251 through 112.254 and 89-111-Adm-Gode-170-350)?

7) Is exempted 30 hours or more per week. This exemption continues to apply if there is a temporary break in full time employment expected to last no longer than ten work days?

8) Is in the 4th month of pregnancy or later?

9) Is a person enrolled full time as a VISTA volunteer under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq)?

b) Exemption from TANF Employment and Work Activity does not equate to exemption from the 60-month lifetime limit.

b) Individuals who request an exemption from participation in JGBS shall do so in writing with the assistance of the JGBS worker or other Department staff, if needed, and shall receive a written notice of decision on such request within 45 days. Requests for an exemption may be made at:

1) application for assistance;

2) orientation?

3) assessment?

4) reassessment?

5) APBG eligibility redeterminations;

6) client's request, or

7) whenever information received by the Department indicates the possibility of an exemption.

c) Exempt individuals may volunteer for JGBS. However, exempt volunteers who attend the orientation meeting and become program participants by completing the Initial Assessment, development of the employment plan, and assignment to a component will be sanctioned if they thereafter do not meet program requirements without good cause (see Section 112.79)?

(Source: Amend Nov 28 1997 21 Ill. Reg. 15503, effective

Section 112.72 JGBS Participation/Cooperation Requirements

a) An individual is required to participate in a TANF employment or work activity JGBS by:

1) Cooperating with TANF requirements JGBS. Cooperation with TANF JGBS is defined as providing requested information about employment history and capabilities, appearing for scheduled meetings, participating in assessments, assessment and literacy

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

tests and complying with the requirements of the TANF §8BS component activities identified in Section 112.78 and 112.79.

2) Responding, timely, to a job referral of suitable employment (that is, a written statement referring a participant to an employer for a specific position).

3) Accepting a bona fide offer of suitable employment. An individual must be given the opportunity to explain why a bona fide offer of employment was not accepted. A bona fide offer of suitable employment is where:

A) there was a definite offer of employment substantiated by written confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community based on information obtained from the Department of Employment Security;

B) there are no questions as to the individual's inability to engage in such employment for physical reasons or because he has no way to get to or from the particular job; and

C) there are no questions of working conditions, such as risks to health, safety or lack of worker's compensation protection; or lack of other workplace rights due TANF recipients according to the U.S. Department of Labor.

4) Department employment referrals are deemed suitable if they suitable employment must meet the following criteria:

A) wages offered must be at least the greater of:

i) the federal minimum wage; or

ii) the State minimum wage;

B) Subminimum training wages offered must be at least the greater of:

i) the federal subminimum training wage; or

ii) the State subminimum training wage.

C) If the wages are offered on a piece-rate basis, wages for a beginner must equal the amount the participant can reasonably be expected to earn as outlined in subsection Section 112.72(a)(4)(A) of this Section.

B) The participant may not be required as a condition of employment to join, resign from or refrain from joining any legitimate labor organization.

D) There is no unreasonable degree of risk to the participant's health and safety.

F) The participant is physically and mentally competent to perform the work.

G) The employment must be within reasonable distance of the participant's residence. Commuting time must not represent more than 25% of the participant's total time on the job (that is, no more than two hours commuting time for an eight hour work day).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

H) The employment would result in the participant's family not experiencing a net loss of cash income. Net loss of cash income results if the family's gross income less actual necessary work-related expenses is less than the cash assistance the individual was receiving at the time the offer of employment is made. Gross income includes, but is not limited to, earnings, unearned income, and cash assistance. Necessary and reasonable expenses include mandatory deductions from gross income including union dues, medical insurance, and/or garnishments or court-ordered income withheld from earnings, child care costs at the Department's established rate if the individual would not be eligible for Transitional Child Care (see Sections 112.400 through 112.410), and transportation costs to get to and from employment including travel for child care at the Department's established rates.

E) The participant may not be required as a condition of employment to join, resign from or refrain from joining any legitimate labor organization.

5) Participants must register and appear for interviews at the Illinois Employment and Training Center (IETC) or Department of Employment Security's Job Service offices when required by a TANF §8BS component activity.

b) Additionally, participants who are part-time employed as defined in Section 112.64(d)(1) must:

1) continue their part-time employment as defined in Section 112.64(d)(1); and

2) not reduce their employment that is voluntarily reduce their reducing work hours, unless such reduction is consistent with the next steps in the Responsibility and Services Plan.

c) Failure of a nonexempt individual who is mandated to participate/cooperate with the TANF employment and work activity §8BS requirements listed in this Section, without good cause, will result in sanction as outlined in Section 112.79. Exempt or nonexempt individuals who volunteer to participate in TANF and are assigned to an activity based on completion of a Family Assessment and a Responsibility and Services Plan §8BS and attend the orientation meeting and become a program participant by completing the initial Assessment, development of the employability plan and assignment to a component will be sanctioned if they thereafter do not meet the program requirements without good cause (see Section 112.79).

d) Failing to achieve certain grades or competency levels or goals in educational, training or work activity shall not constitute failure to participate in TANF §8BS but shall be addressed through a reassessment requested by the participant or Department §8BS.

(Source: Amended at 21 Ill. Reg. _____, effective NOV 9 1996)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 112.73 Adolescent Parent Program (Repealed)

- a) The Adolescent Parent Program (APP) is a demonstration project designed to evaluate whether mandating pregnant or parenting individuals under age 16 to participate in the Teen Parent Initiative/Young Parent Services under the Job Opportunities and Basic Skills Training (JOBS) Program (see Sections 112.70 through 112.83) will assist these individuals in obtaining a high school diploma or the equivalent and preparing for work.
- b) The requirements for mandatory participation in the APP shall be the same as for parents age 16 and older who are mandated to participate in JOBS.
- c) The APP will be implemented on August 17, 1995, and shall end no later than July 31, 1999.
- d) The demonstration will study the effects of the program requirements on the long-term self-sufficiency of parents under age 16.
- 1) Research conducted on the APP will include the number of clients who are required to participate, the proportion who actually participate in JOBS by attending school or classes full-time, the proportion who meet education requirements each semester, the use of supportive services including child care, the proportion who are sanctioned including the number of times sanctioned, the proportion with a child support court order including whether support is received and the amount received, the proportion of APP participants who leave welfare and the proportion who return to APP having once left.
- 2) The evaluation will be a process study and will describe the implementation and operation of the APP.

(Source: Repealed at 21 Ill. Reg. 15.504, effective 11/25/94)

Section 112.74 Responsibility and Services Plan JOBS-Initial Assessment Process/Development of an Employability Plan

- a) Family Initial Assessment to Develop an a Responsibility and Services Employability Plan
- 1) All individuals shall undergo a Family Assessment an initial assessment to develop a Responsibility and Services Plan an employability plan.
- 2) The Family Assessment initial assessment shall include collection of information on the individual's and family's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, aptitudes and employment preferences, as well as factors affecting employability or ability to meet participation requirements (for example, eligibility for exemption, health, physical or mental limitations, child care, domestic violence, substance abuse).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

family circumstances and problems including the need of any child of the individual). In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. A determination of whether the individual qualifies for an exemption may take place at any time the client requests or JOBS staff perceive a reason for exemption during the individual's participation in the program. As part of the assessment process, individuals and TANF JOBS staff shall work together to identify any supportive service needs required to enable them to participate in TANF employment or work activities JOBS and meet the objectives of their Responsibility and Services Plan employability plan (see Section 112.82). The Family Assessment initial assessment may be conducted through various methods such as interviews, testing, counseling and self-assessment instruments. The assessment process shall include standard literacy testing and a determination of English language proficiency.

3) The Family Assessment and Responsibility and Services Plan employability plan must:

- A) contain an employment goal of the participant and the steps to achieve it;
- B) describe the services to be provided by the agency including child care and other supportive services;
- C) describe the activities such as activity component assignment that will be undertaken by the participant to achieve the employment goal; and
- D) describe any other needs of the family that might be met by TANF JOBS such as participation by a child in drug education or in life skills planning sessions.
- 4) The Responsibility and Services Plan employability plan shall take into account:

- A) available program resources;
- A) the participant's supportive service needs;
- B) the participant's skills level and aptitudes;
- C) local employment opportunities;
- D) to the maximum extent possible, the preferences of the participant;
- F) the employability plan shall not be considered a contract;
- E) final approval of the plan rests with the DHS staff pursuant to TANF JOBS program requirements; and
- F) the participant will sign and receive shall be offered a copy of the Responsibility and Services Plan employability plan.

b) Occurrence of the Family Assessment and Responsibility and Services Plan Initial Assessment

- 1) The Family Assessment initial assessment shall take place before a participant is assigned to any TANF activities JOBS component. All participants will be scheduled to begin the initial

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

assessment within 14 working days after orientation.

- 2) The participant will be notified, in writing, of the Family Assessment initial assessment meeting. The notice shall include the following information:
 - A) the date and time of the interview;
 - B) a description of the purpose of the interview;
 - C) the consequences of failing to attend;
 - D) the right to re-schedule for good cause;
 - E) the right to request child care and transportation to attend; and
 - F) the name of the person to contact for such purposes.

- c) During the Family Assessment initial assessment, the Responsibility and Services Plan employability plan will be completed to determine the individual's and family's level of preparation for employment and needed services will be determined. Upon initial screening, a determination for job readiness will be based on an individual having a high school diploma/GED and having worked six months in the last two years. This determination needs to be considered in conjunction with other issues such as the individual's barriers, the local labor market, and the work place skill of the client. The decisions will be based on the individual's background, proficiencies, skills deficiencies, education level, work history, employment goals, interests, attitudes and employment preferences as well as factors affecting employability or ability to meet participation requirements (for example, health, physical or mental limitation, child care, family circumstances and problems which may include the need of any child of the individual). The preference of the individual will be taken into account in the development of the Responsibility and Services Plan employability plan to the maximum extent possible and appropriate. In addition, facts relevant to a determination of whether the individual qualifies for an exemption shall be elicited. As part of the assessment process, individuals and TANF JOBS staff may shall work together to identify any supportive service needs required to enable them to participate in TANF JOBS and meet the objectives of their Responsibility and Services Plan employment plan (see Section 112.82). The initial assessment may be conducted through various methods such as interviews, testing, counseling and self-assessment instruments. The assessment process shall include standard literacy testing and a determination of English language proficiency for those who display a potential need for literacy or language services. Literacy level is defined as reading at a 9.0 9-9 grade level or above. Based on the Responsibility and Services Plan initial assessment, the individual will be assigned to the appropriate component activity. Individuals must participate an average of 20 hours each week to enable the State of Illinois to obtain maximum federal match monies unless special circumstances prevent 20 hours of participation each week. Special circumstances are based on the participant's physical capacity, skills, experience, health and safety

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

and family responsibilities. Components may be combined to increase the hours of participation to 20 hours each week as required for Federal financial participation (FFP). The decision will be based on a determination of the individual's level of preparation for employment.

d) Reassessment

- 1) A reassessment will be conducted to assess a participant's progress and to review the Responsibility and Services Plan employability plan at least at the following times:
 - A) upon completion of a program of component activity and before assignment to an a-component activity;
 - B) upon the request of the participant;
 - C) if the individual is not cooperating with the requirements of the program;
 - D) if the individual has failed to make satisfactory progress in an education or training program;
 - E) upon completion of an academic term;
 - F) upon referral from DES, IETC, or other entities; and
 - G) every six consecutive months for individuals participating in a unemployed-parent work experience activity component work assignment; every six months at a minimum; or
 - H) at any time deemed appropriate under the Plan.
- 2) The reassessment may be conducted through various methods such as interviews, testing, counseling and self-assessment instruments. A written notice may be sent to the participant if the reassessment needs to be rescheduled.
- 3) The employability plan must:
 - A) contain an employment goal of the participant;
 - B) describe the services to be provided by the agency including child care and other supportive service;
 - C) describe the activities such as component assignment that will be undertaken by the participant to achieve the employment goal; and
 - D) describe any other needs of the family that might be met by JOBS such as participation by a child in drug education or in life skills planning sessions;
- 4) The employability plan shall take into account:
 - A) available program resources;
 - B) the participant's supportive service needs;
 - C) the participant's skills level and aptitudes;
 - D) local employment opportunities;
 - E) to the maximum extent possible, the preferences of the participant;

3)5) A reassessment will include an evaluation of the participant's progress towards the employment goal. If progress is lacking, the participant may be reassigned to a more appropriate activity component and relevant facts shall be reviewed to determine if the client is exempt from program participation requirements.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- e) If a nonexempt individual who is required to participate in the program fails without good cause to appear for the scheduled assessment interviews or comply with the assessment process without good cause, the individual is subject to sanction rules.
- f) If the nonexempt participant has good cause for failing to appear for the assessment interview or to comply with the assessment process, a sanction will ~~rules~~ do not apply.
- g) TANF employment and work activity ~~JOBS~~ participation shall not be required in the event that supportive services are needed for effective participation but are unavailable from the Department or from some reasonably available source (for example, child care for a child under age 13 ~~provided by the Department of Children and Family Services~~).
- h) Expenses for transportation and child care services will be provided to enable individuals to attend the assessment meeting, if requested.
- i) For teen parents age 19 and under or in high school, the Teen Parent Responsibility Plan defines the responsibilities the young parent must meet to receive TANF cash assistance and what services the Department agrees to provide. The plan outlines family needs, the required activities and necessary supportive services. The plan must be signed by both the young parent and the case manager. The plan sets the following goals for the young parent and describes how the Department will help the young parent meet these goals:
- 1) to attend school to complete a high school education;
 - 2) to establish paternity for the young parent's child or children and obtain child support;
 - 3) to improve the young parent's parenting skills; and
 - 4) to seek and obtain full-time employment when job ready.

(Source: Amended at 21 Ill. Reg. 15652, effective 11/26/96)

Section 112.75 Teen Parent Personal Responsibility Plan (Repealed)

- a) A young parent, who is required to participate in the Teen Parent Initiative/Young Parent Services (YPI/YPS) Program, must complete a Teen Parent Personal Responsibility Plan. The plan is completed as part of the JOBS Program assessment process. For young parents who have already completed an initial assessment, the plan must be completed as part of a reassessment by November 15, 1996.
- b) The Teen Parent Personal Responsibility Plan defines the responsibilities the young parent must meet to receive APBG cash assistance and what services the Department agrees to provide. The plan outlines family needs, the required YPI/YPS activities and necessary supportive services. The plan must be signed by both the young parent and the YPI/YPS case manager. The plan sets the following goals for the young parent and describes how the Department will help the young parent meet these goals:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- i) attend school to complete a high school education;
- 2) establish paternity for the young parent's child or children; and
- 3) obtain child support.
- 4) improve the young parent's parenting skills; and
- 4) seek and obtain full-time employment.
- c) Completion of the Teen Parent Personal Responsibility Plan is a JOBS Program requirement for YPI/YPS participants. Failure to cooperate in completing the plan shall result in a JOBS Program sanction, as described in Section 112.79, if conciliation is not successful.

(Source: Repealed Nov 26 1996, effective 11/26/96)

Section 112.76 TANF JOBS Orientation

a) At the time of application or and at the time of the first face-to-face contact redetermination (after April 1, 1998), all TANF APBG applicants and recipients will be informed in writing and orally, if appropriate, of the availability of the TANF employment and work activities JOBS program and of the supportive services for which they might be eligible and of the agency and participant responsibilities. This includes the following:

- a) education, employment and training opportunities available;
 - b) supportive services including child care, transportation, Work Pays;
 - c) the obligation of the agency to provide supportive services;
 - d) the rights and responsibilities of participants under the plan, including exemption and good cause criteria and procedures and the 24-month work requirement and time limits; and
 - e) the types and locations of child care services including the local Child Care Resource and Referral (CCR&R);
 - f) the consequences of failing to complete participation requirements under the Plan and the 24-month work requirement;
 - g) if nonexempt, the fact that the individual is nonexempt and is required to participate consistent with his or her Responsibility and Services Plan;
 - h) the right to appeal any action, request a change in the Plan or to reschedule an appointment;
 - i) the Family Assessment and Responsibility and Services Plan; and
 - j) general participation requirements (for example, appearing for scheduled meetings, responding to a job referral, accepting a bona fide offer of suitable employment (see Section 112.72)).
- b) Within one month after the determination of eligibility for APBG or at other appropriate times, the JOBS program will notify the individual in writing via a letter regarding how he or she can enter the program. The client may then volunteer for the JOBS program but will in no event be sanctioned for failure to volunteer.
- c) Exempt and nonexempt volunteers will be sent an orientation appointment letter concerning JOBS. The letter shall include the following:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) the date and time of the meeting?
- 2) a description of the program and the purpose of the meeting?
- 3) information on how to reschedule the meeting if necessary?
- 4) the right to request child care or transportation services to attend?
- 5) the name of the person to contact for such purposes?
- d) Nonexempt individuals may be required to enter the JBS program and attend the orientation. JBS will send these nonexempt individuals an appointment letter requiring that they attend a JBS Orientation meeting. The letter shall include the following information:
- 1) the fact that they are nonexempt and are required to participate?
- 2) the right to request an exemption?
- 3) a complete description of all available exemptions?
- 4) the date and time of the meeting?
- 5) a description of the program and the purpose of the meeting?
- 6) the consequences of failing to attend?
- 7) the right to reschedule the appointment with good cause?
- 8) the right to request child care or transportation services to attend?
- 9) the name of the person to contact for such purposes?
- e) At the Orientation meeting JBS staff inform the participant of JBS participation requirements, distribute a copy of the JBS handbook to participants, and explain its contents. The JBS handbook contains program information including the following:
- 1) an overview of JBS?
- 2) the exemption criteria listed in Section 112.71 and the procedure for obtaining an exemption?
- 3) a description of all JBS components, eligibility criteria, and specific participation requirements for each component?
- 4) general participation requirements, for example, appearing for scheduled meetings with JBS staff, responding to a job referral, accepting a bona fide offer of suitable employment (see Section 112.72)?
- 5) the support services identified in Section 112.82?
- 6) the initial assessment process and reassessment including review of the employability plan (see Section 112.74)? and
- 7) the result of the participant's failure to cooperate without good cause with JBS?
- f) Participants must attend all Orientation meetings or notify their JBS worker of good cause to be excused and have their meeting rescheduled (see Section 112.80)?
- 1) If a nonexempt participant is required to participate due to insufficient number of volunteers and fails to attend an Orientation meeting without good cause (see Section 112.80)?
- sanction rules shall apply. Exempt and nonexempt volunteers will not be sanctioned for failure to attend orientation.
- 2) If the nonexempt participant who was required to participate due to insufficient number of volunteers fails to attend an

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- Orientation meeting but has good cause (see Section 112.80)?
- sanction rules shall not apply.
- g) Expenses for transportation and child care services will be provided to enable participants to attend the Orientation meeting, if requested?

(Source: Amended at 21 Ill. Reg. 156.00, effective 11/1/97)

Section 112.77 Reconciliation Conciliation and Fair Hearings

- a) The Department shall establish a reconciliation conciliation procedure to assist in resolving disputes related to any aspect of participation, including exemptions, good cause, sanctions or proposed sanctions, supportive services, orientation, assessments, Responsibility and Services plan, employability plans, assignment to activities components, suitability of employment, or refusals of offers of employment. Through the reconciliation process, the Department will have a mechanism to identify good cause, ensure that the client is aware of the issue, and enable the client to perform required activities without facing sanction.
- b) A TANF participant of JBS may request reconciliation conciliation and receive notice, in writing, of a meeting. Reconciliation conciliation must begin within 14 work days upon request or from the participant's failure to meet TANF employment and work activity JBS requirements. At least one face-to-face meeting may be scheduled with TANF staff JBS and the participant to resolve misunderstandings or disagreements related to program participation and situations which may lead to a potential sanction. The meeting will include the participant, the TANF JBS worker and a representative, if desired. The meeting will address the underlying reason or reasons for the dispute and plan a resolution to enable the individual to participate in TANF employment and work activity requirements JBS. Reconciliation conciliation may be completed by telephone if both parties agree. If the telephone conciliation is unsuccessful, a face-to-face meeting shall be scheduled to conciliate.
- c) If the conciliation is scheduled due to the individual's failure to respond to the orientation appointment without good cause, the orientation and employability assessment will be completed at the conciliation. If the individual fails to appear at the conciliation meeting, the conciliation is unsuccessful and a sanction will be imposed. d) The reconciliation conciliation process shall continue after it is determined that the individual did not have good cause for non-cooperation. Any necessary demonstration of cooperation on the part of the participant will be part of the reconciliation conciliation process. Failure to demonstrate cooperation will result in immediate sanction.
- d) During the reconciliation conciliation process, the following is

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

completed:

- 1) a discussion of the nature of the problem or dispute and potential resolution;
- 2) an explanation of the individual's rights and responsibilities;
- 3) a review of the Responsibility and Services Plan employability plan;
- 4) a discussion of expectations of the participant and TANF JOBS;
- 5) development of a reconciliation conciliation agreement and fulfillment of it following the reconciliation conciliation meeting. The requirement(s) of the agreement cannot be contrary to TANF employment and work activity requirements JOBS participation-requirements; and
- 6) for the first instance of non-cooperation, if the client reaches agreement to cooperate, the client is allowed 30 days to demonstrate cooperation before any sanction activity would be imposed. For any subsequent instances of non-cooperation, the client would be provided with the opportunity to show good cause or remedy the situation by immediately complying with the requirement or a sanction will be imposed an-orientation-and-employability-assessment-shall-be-completed-if-the-individual failed-to-respond-to-an-orientation-appointment.
- e)f) TANF staff JOBS will document, in the case record, the proceedings of the reconciliation conciliation and provide the client, in writing, with a reconciliation conciliation agreement.
- f)g) If reconciliation conciliation resolves the dispute, no sanction will occur and any previous failure-to-participate-in-JOBS-without-good cause-will-not-count-as-a-sanctionable-event-in-the-future. If the client fails to comply with the reconciliation agreement, the Department will then immediately impose the original sanction. If the dispute cannot be resolved during reconciliation conciliation, a sanction will not occur until the reconciliation conciliation process is complete. The participant has the right to request an appeal hearing through the Department's fair hearing process.

(Source: Amended at 21 Ill. Reg. 12.000, effective 12/1/00)

Section 112.78 TANF Employment and Work Activities JOBS-Components

- a) Education (Below Post-Secondary)
Participants who are not working are limited to Adult Basic Education/GED/ESL and short-term Vocational Training programs lasting less than two years and may be required, in coordination with the education schedule, to participate in Job Readiness activities, Job Search, and/or Work Experience at the same time they are attending the education/training program to the extent resources will allow. Co-enrollment in Adult Basic Education/GED/ESL and Vocational Training is encouraged determined ready-to-participate-but-in-need-of-education

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

are-referred-to-the-education-component. In this activity component, the individual receives information, referral, counseling services and supportive services to increase the individual's employment potential. Participants may be referred to testing, counseling and education resources. Educational activities will include basic and remedial education; English proficiency classes; high school or its equivalent (for example, GED) or alternative education at the secondary level; and with any educational program, structured study time to enhance successful participation.

- 1) Assignment to Education (Below Post-Secondary)
 - A) Individuals to be assigned to Education may include but are not limited to individuals the-following:
 - i) custodial-parents-under-age-20 who do not have a high school degree or equivalent;
 - ii) who have individuals-with limited English proficiency; and
 - iii) individuals-age-20-and-over who do not read at or above a 9.0 9-9 grade level,7-and
 - iv) individuals-age-20-and-over who do-not-have-a-high school-degree-or-its-equivalent-and-wish-to-obtain one.
 - B) Parents--ages--16--and--17--may--be--excused--from--educational activities--if--the--parent--is--unable--to--participate--in educational activities--due--to--his--or--her--own--mental--or physical--illness--or--that--of--his--or--her--spouse--or--child--is homeless--or--is--experiencing--family--or--personal--crisis--this--shall--include--but--not--be--limited--to--domestic--violence--and--a--child's--suspension--from--school.
 - C) Parents--age--18--and--19--may--be--assigned--to--training--or--work activities--instead--of--educational--activities--if--the--parent--fails--to--make--good--progress--in--successfully completing--education--activities.
 - ii) prior--to--assignment--the--parent--had--made--arrangements to--participate--in--a--training--program--that--is--approved by--the--JOBS--program--or
 - iii) it--is--determined--based--on--the--assessment--and--the employment--goal--of--the--individual--that--educational activities--are--not--appropriate.
- B) Educational activities may be combined with other component activities if it is determined appropriate.

2) Approval criteria for education (Below Post-Secondary)

- A) The individual's program selected by the individual must be accredited under State law.
- B) The individual's program must be needed for the participant to complete his or her Responsibility and Services Plan employability-plan.
- C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

available or appropriate.

D) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

3) Participation Requirements

- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.
- B) The individual must maintain participation of at least 75% of scheduled activities unless there is good cause for missing more.
- C) Clients attending a program administered by the Illinois State Board of Education (ISBE) must maintain satisfactory progress as determined by the following:

- i) active participation and pursuit of educational objectives;
- ii) teacher's written remarks;
- iii) grades;
- iv) demonstrated competencies;
- v) classroom exercises; and
- vi) periodic test/retest results.

D) ISBE educational providers determine satisfactory progress based on a combination of the indicators listed above and test/retest results. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

E) Clients attending a program not administered by ISBE must maintain satisfactory progress as determined by the written policy of the institution. The determination of satisfactory progress including test/retest results must be reported upon completion of the academic term or twice a year if the program is continuous for 12 months.

F) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.

F) Curriculum changes must be made with the prior approval of TANF staff and will be approved when the change is consistent with the Responsibility and Services Plan employability plan.

G) Except for individuals attending high school, participation in Education (Below Post-Secondary) is limited to 24 months except that the individual may continue in the education program if he or she also works for at least 20 eight hours

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

each week or participates in a work component (for example, Work Experience) on the job training or exchange program for at least eight hours each week. Months in which the individual establishes good cause (see Section 112.80) for not participating in the program will not count toward the 24-month limit.

b) Vocational Job-Skills Training (Vocational)

Vocational Job-Skills Training is designed to increase the individual's ability to obtain and maintain employment. Vocational Job-Skills Training activities will include vocational skill classes designed to increase a participant's ability to obtain and maintain employment. Vocational Job-Skills Training may include certificate programs. Participants who are not working are limited to short-term Vocational Training programs lasting less than two years and may be required, in coordination with the education/training schedule, to participate in Job Readiness activities, Job Search, and/or Work Experience at the same time they are attending the education/training program to the extent resources will allow. A Vocational Training program lasting two years or more is regarded as Post-Secondary Education under this subsection (b).

1) Self-initiated activity qualifies as "self-initiated education or training" for this component if:

- A) the participant is attending at least half-time as defined by the institution;
- B) the participant is making satisfactory progress in such institution school or course;
- C) the course of study is consistent with the individual's employment goal; and
- D) the participant meets the assignment and approval criteria under the provisions of Section 112.78(b)(2)(A) through (C).

2) Approval Criteria For Vocational Job-Skills Training (Vocational)

- A) The individual's program must be accredited under requirements of State law.
- B) The individual must be underemployed or unemployed and in need of additional training and the training will better prepare the participant to enter the labor force.
- C) Co-enrollment in Adult Basic Education/GED/ESL and Vocational Training is encouraged if the individual does not have a high school diploma or GED the individual must have a high school diploma or GED if required for training requirements and/or employment in the chosen field.
- D) The individual must apply for all available educational benefits such as the Pell Grant and scholarships from the Illinois Student Assistance Commission as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
- E) The individual must be enrolled full-time as defined by the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

institution or part-time if full-time is not available or appropriate.

- F) Clients who are working at least 20 hours per week may be approved for education programs, including degree programs, to upgrade their skills consistent with their Personal Responsibility and Services Plan, to the extent resources allow. When the individual possesses an associate degree or certificate, the program selected must result in an increase in the level of the individual's earnings upon completion. Otherwise, no additional training will be approved unless due to a change in the economy or occupation there are not jobs available in the individual's chosen occupation. If the individual possesses a baccalaureate degree, no additional education or training will be approved.

- G) The individual must be in a program needed for the individual to obtain employment in a recognized occupation.

- H) Jobs must be available in the chosen field in a specific geographical area where the individual intends to work consistent with the individual's Responsibility and Services Plan employability plan upon completion.

- I) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.

- J) Vocational training job skills training may be combined with other component activities if it is determined appropriate.

- K) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.

2)3) Participation Requirements

- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

- B) The individual must maintain participation of at least 75% unless there is good cause for missing more.

- B)3) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual will be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- C)3) The individual must participate the assigned number of an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.

- D)3) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term, but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.

- E)3) Curriculum changes must be made with the prior approval of TANF EBS and will be approved when the change is consistent with the Responsibility and Services Plan employability plan.

c) Job Readiness

- 1) The Job Readiness job-readiness activities are component-is designed to enhance the quality of the individual's level of participation in the world of work while learning the necessary essentials to obtain and maintain employment. These activities help this component helps individuals gain the necessary job finding skills to help them find and retain employment that will lead to economic independence.

- 2) Assignment to Job Readiness

- Job Readiness readiness activities may be combined with other component activities if it is determined appropriate.

- 3) Participation requirements

- A) Participation must be full-time unless a full-time program is not readily available or a part-time program is most appropriate based on the individual's or family's circumstances.

- B) The individual must attend all scheduled classes or sessions. The individual must be making satisfactory progress as defined by the written policy of the job readiness provider and approved by the Department. If there is a job search activity component in the program, the individual must make up to ten acceptable employer contacts in a 30 day period unless the participant shows good faith effort (see subsection (d)(3)(B) of this Section for the definition of "good faith effort").

- C) The individual must participate the number of assigned an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week.

- D) The individual must respond to a job referral, accept employment and respond to mail-in contact.

- B) The individual must maintain participation of at least 75% unless there is good cause for missing more.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

d) Job Search

1) Description of Job Search
Job Search may be conducted individually or in groups. Job Search may include the provision of counseling, job seeking skills, training and information dissemination. Group Job Search job-search may include training in a group session.

2) Assignment to Job Search

A) If assessed as job ready, participants will be assigned to Job Search. If job ready clients are unable to find employment on their own at the end of six months, they will be reassessed and may be placed in a more appropriate activity participation in the job-search component--can--not be--in--excess--of--eight--weeks--(or--its--equivalent)--in--any period--of--12--consecutive--months.

B) Search--Individuals--may--be--assigned--to--job--training--or--job--skills--training--or--Job--Readiness--job--readiness training may be assigned to Job Search.

C) Job Search may be combined with other component activities if it is determined appropriate.

3) Participation Requirements

A) Participants must attend all scheduled classes or sessions. Participants will be notified in writing of all meetings.

B) Individuals must contact employers in an effort to secure employment. Participants must make up to 20 acceptable employer contacts in a 30-day period unless the participant shows good faith effort. Good faith effort exists when circumstances beyond the control of the participant prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to the following:

- i) the participant appears for a scheduled interview and the employer misses the appointment;
- ii) the participant makes less than the required number of acceptable employer contacts but came reasonably close to the required numbers in an effort to find work;
- iii) the participant fails a civil service or other employment screening test;
- iv) the participant completes an application which is not accepted by the employer;
- v) the participant's job search performance indicates that he or she should be in a different TANF JOBS component activity; and
- vi) the participant has less than the required number of employer contacts based on the lack of available jobs in the geographical area.

E) The--individual--must--participate--an--average--of--20--hours--each week--unless--special--circumstances--prevent--20--hours--of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

participation--each--week--

C) B) Acceptable employer contacts may include but are not limited to:

- i) a face-to-face contact with an employer or the employer's representative;
- ii) the completion and return of an application to an employer;
- iii) the completion of a civil service test required for employment with state, local, or the federal government or the completion of a Department of Employment Security (DES) screening test;
- iv) the completion and mailing of a resume with a cover letter to a recognized employer;
- v) reporting to the union hall for union members verified to be in good standing; or
- vi) registration with DES/Illinois Employment and Training Center (IETC).

B) The--individual--must--maintain--participation--of--at--least--75% unless--there--is--good--cause--for--missing--more--

e) Community Work Experience

TANF Participants Participants who have not found employment and who need orientation to work, work experience or training are placed on a supervised work assignment to improve their employment skills through actual Work Experience at private or not-for-profit employers, organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. in--order--to--prevent deterioration--of--or--to--enhance--existing--skills--are--referred--to--the Community--Work--Experience--component--Community--Work--Experience assignments--are--with--private--employers--or--not--for--profit--or--public agencies--statewide--Private--employers--and--not--for--profit--and--public agencies--shall--not--use--Community--Work--Experience--participants--to displace--regular--employees--(see--subsection--(e)(4)--of--this--Section). Participants in Community Work Experience may perform work in the public interest (which otherwise meets the requirements of this Section) such as enrollment as a full-time VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) for a Federal office or agency with its consent, and, notwithstanding (31 U.S.C 1342) or any other provision of law, such agency may accept such services but such participants shall not be considered to be Federal employees for any purpose.

1) Assignment to Community Work Experience

- A) The Community Work Experience component is for participants determined:
 - i) participants who will benefit from working for an employer who provides a subsidized employment assignment to improve the individual's opportunity to attain self-sufficiency to have no recent work history

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

or employer references taking into consideration such factors as the educational background and previous training; or

- ii) participants who to need experience to prevent deterioration of, or to enhance, existing skills (for example, typing).

B) Entry into Community Work Experience

Participants are determined to be appropriate eligible for the Community Work Experience activity component based on an assessment of their education, training and employment history. Procedures used in the assessment are a face-to-face meeting with the participant and a review of all available information on the participant (including, but not limited to, the individual's participant's case record and Responsibility and Services Plan).

C) Community Work Experience Positions

A participant shall be assigned to a Community Work Experience position to increase the individual's potential for attaining employment based on work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Community Work Experience.

B) Community Work Experience activities may be combined with other component activities if it is determined appropriate.

- D) Enrollment as a full-time VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) is an allowable work activity. Paid work study and some paid JTPA programs are also allowable.

2) Participation Requirements

- A) The hours of the Work Experience assignment may not exceed 20 hours per week for participants in single parent TANF cases. Work assignment consists of no more than six months in a 12 consecutive calendar month period. The hours of the work assignment for a calendar month shall not exceed the family's TANF APPE grant and food stamp allotment received in the fiscal month during which the assignment is made divided by the higher of the State or Federal minimum wage or the rate of pay for individuals employed in the same or similar occupations by the same employer at the same site (as determined by the Work Experience Sponsor and the Department). (A fiscal month is a month that starts with a given day in one calendar month and ends with the day before that same given day in the next calendar month.) The portion of a recipient's aid for which the State is reimbursed by a child support collection (except for the \$50 pass through) shall be excluded in determining the maximum number of hours

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

that the participant is required to work. In order to provide consistency for both work assignment sponsors and participants, the required number of hours will be rounded down to 40 or 80 hours. The minimum number of hours that must be completed within a calendar month is 40 hours and the maximum number of hours that must be completed is 80 hours.

- B) During work assignment, the participant shall be required to perform job search activities make up to ten employer contacts per month if participating in a 40-hour work assignment or five employer contacts per month if participating in an 80-hour work assignment unless the participant shows good faith effort (see subsection (d)(3)(B) of this Section for the definition of "good faith effort") or participates in education and training programs. Participants are required to accept bona fide offers of employment pursuant to Section 112.72.

- C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment Sponsor.

- D) The individual must participate the number of assigned hours an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week. The client must maintain satisfactory participation of at least 75% of all scheduled hours each month. Participation may include but is not limited to activities such as the work assignment, the completion of employer contacts and attendance in education/training programs.

3) Reassessment

Every six months at the end of the work assignment, the participant's Responsibility and Services Plan employability will be reassessed evaluated using the procedures and criteria described in Section 112.74. If continuing the work assignment will benefit the participant in terms of furthering work skills (see subsection (e)(1)(A) and (B)), the participant shall be reassigned to the same or another work assignment. In addition otherwise, the individual participant will be assessed for assignment to another TANF activity JABS component.

4) Length of Assignment

The individual must participate in Work Experience for as long as his or her Responsibility and Services Plan reflects the need for this activity. An individual cannot be assigned to Community Work Experience for more than a total of six months in any 12 consecutive calendar month period.

5) Anti-Displacement

Community Work Experience is subject to the provisions of Section

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

112.78(s).

- A) The Work Experience Sponsor shall not use participants to:
- i) displace positions or persons who are already employed as regular full-time or part-time employees of the Sponsor regardless of whether those employees are on active status or are on leave status due to disability, personal reasons or any other reason. This includes partial displacement such as reduction in hours of non overtime work, wages or employment benefits;
 - ii) displace persons who are or have been involved in a labor dispute between a labor organization and the Sponsor;
 - iii) impair existing contracts for services or collective bargaining agreements;
 - iv) infringe in any way upon promotional opportunities of any currently employed individual;
 - v) fill any established unfilled position vacancy or
 - vi) displace persons who have been laid off or terminated by the Sponsor or if the Sponsor has otherwise reduced its workforce.
- B) Participants other employees at the work site or their representatives may file a grievance with the Department if they believe the participant's work assignments are causing displacement in order for the Department to consider a grievance it must be in writing and contain the following information:
- i) the name and address of the participant or other employee at the work site (the grievant);
 - ii) the participant's public aid case number;
 - iii) the grievant's social security number;
 - iv) Work Experience (work site) and
 - v) a statement as to why the grievant believes the participant is causing displacement.
- e) Within ten days after receipt of a written grievance the Department shall arrange an in person conference with:
- i) the grievant;
 - ii) the grievant's representative if any;
 - iii) the Work Experience Sponsor;
 - iv) the Work Experience Sponsor's representative if any; and
 - v) the Department's representative.
- B) At the in person conference the Department shall solicit and receive from the grievant and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by the grievant and/or the Department.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

- E) Within 15 days after the in person conference the Department shall advise the grievant and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.
- F) If the Department concludes that displacement occurred (as described in subsection (e)(5)(A) of this Section), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes as a result of the evidence presented at the conference that the Work Experience Sponsor has caused displacement by use of JOBS participants in addition to the participant involved in the grievance, the Department shall terminate those JOBS participants assignment to that work assignment Sponsor.
- G) A decision of the Department relating to a displacement grievance may be appealed by an employee who is not a participant within 20 days after the receipt of the Department's written decision. The appellant shall send the appeal to the Office of Administrative Law Judges at the U-S Department of Labor per 45 CFR 951.4.
- H) All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this policy.
- f) On the Job Training (OJT)
- In OJT, a participant is hired by a private or public employer and while engaged in productive work receives training that provides knowledge or skills essential to full and adequate performance of the job.
- 1) Assignment to OJT
 - A) Job ready individuals may be assigned to OJT.
 - B) OJT participants shall be compensated at the same rate and with the same benefits as other employees.
 - C) Wages to participants in OJT shall not be less than the higher of the State or federal minimum wage.
 - D) Wages to participants in OJT are considered earned income.
 - E) OJT may be combined with other component activities if it is determined appropriate.
 - 2) Participation Requirements
 - A) The individual must participate the assigned number of hours each week an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week. The individual must maintain participation of at least 75% unless there is good cause for missing more.
 - 3) Supportive Services
 - Participants in OJT receive child care and Medicaid benefits

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

through the TANF APBE program-not-JOBBS.

9) Work Supplementation Exchange Program (see Section 112.90)

- 1) The Work Supplementation program develops employment opportunities for TANF recipients by paying wage subsidies to employers who hire program participants. The program is funded by diverting the cash grant an individual would receive if not employed and using the diverted grant to pay a wage subsidy to the employer who hires the recipient. The goal of the Work Supplementation Program is to obtain jobs for TANF recipients who might not be hired without a subsidy, with sufficient pay to take them off TANF.

2) Eligible Participants

- A) TANF participants who meet the selection criteria listed in subsection (g)(2)(B) of this Section are eligible to participate in the Work Supplementation Program. Participation in the program is voluntary. A TANF recipient who wants to participate in the Work Supplementation Program must agree to all provisions in this Section during the time of participation in the program.

- B) In order to place special emphasis on people who would not be likely to obtain a job without work supplementation, TANF recipients must meet the following criteria for selection to participate in the Work Supplementation Program:

- i) the recipient must be the parent of at least one of the children in the TANF unit;
- ii) the recipient must have completed the Job Search work activity; and
- iii) the recipient must have no income other than TANF benefits.

- C) Recipients identified for employment must be determined eligible for participation by their worker. The worker will recommend for participation in the Work Supplementation Program those participants who are likely to encounter difficulty in obtaining employment (for example, lack of skills for which jobs are available in the area, lack of work history).

- D) Nothing in this Section should be construed as providing any recipient the right to participate in the program.

3) Benefits and Reporting Requirements While Participating in the Work Supplementation Program

- A) Participants in the Work Supplementation Program are considered to be TANF recipients and remain eligible for Medical Assistance for the duration of their Work Supplementation Program participation. Child care, for cases that are eligible for a cash grant, will be regarded as employment child care.

- B) The participant must agree to accept wages from employment, which will be at least an amount which would be earned by

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

working full time (30 hours minimum) at the prevailing minimum wage, less applicable payroll taxes.

- C) Participants are required to file quarterly reports as a requirement for continuing eligibility. Changes in income from sources other than the Work Supplementation Program job and/or circumstances must still be reported within five days after occurrence pursuant to 89 Ill. Adm. Code 102.50.

- D) Wages paid under a Work Supplementation Program shall be considered to be earned income for purposes of any provision of law (42 U.S.C 1614(e)(3)).

4) Duration of Program Participation

- A) Participants may not exceed a total of six months in the Work Supplementation Program subsidized placements regardless of the number of times an individual becomes a TANF recipient. The period of a single assignment is dependent upon the terms of the Work Supplementation Program contract that has been developed with the employer. Recipients will be informed of the length of the Work Supplementation Program subsidy period prior to placement.

- B) Participants who leave a supported work position without good cause (as defined in Section 112.80) are removed from the Work Supplementation Program and are subject to sanction.

5) Contracts with Employers

- A) Employers that participate in the Work Supplementation Program must enter into a written contract with the Department prior to receiving referrals.

- B) Employers must be in good standing (that is, in compliance with all applicable federal, State, county and local laws, regulations and ordinances) with the Illinois Department of Revenue, the Secretary of State and any and all regulatory agencies which have jurisdiction over their activities.

- C) Employers agree to screen clients to hire on their own payroll after six months. Failure to do so will result in the employer being terminated from the program.

6) Calculation of the Diverted Grants

- A) The level of grant to be diverted is determined on a prospective basis when a work assignment under the Work Supplementation Program is made. The effective date of the diverted grant is the first day of the first full month of Work Supplementation Program wages.

- B) Work Supplementation Program participants are eligible only for the earned income budgeting disregards provided in Sections 112.141 and 112.143. The difference between the flat grant amount and revised amount is diverted to the wage pool.

- C) The difference between the payment level and the grant the participant receives is diverted and used in whole or in

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

part to pay a wage subsidy to the employer.

- 7) Program Completion
If the participant is no longer eligible for TANF benefits after the Work Supplementation Program period, a determination of continued medical eligibility shall be made in accordance with Section 112.330.
- 8) Anti-Displacement
The Work Supplementation Program is subject to the provisions of Section 112.78(s).
- h) Post-Secondary Education
Clients who are not working will not be approved for degree programs unless they can complete the program in one year or less. Clients who are working at least 20 hours per week may be approved for post-secondary education programs, including degree programs to upgrade their skills to the extent resources allow. Individuals may be referred to post-secondary education programs. Post-secondary education must be administered by an educational institution accredited under requirements of State law including, but not limited to, the Barber, Cosmetology and Esthetics Act of 1985 [225 ILCS 410], the Real Estate License Act of 1983 [225 ILCS 455], the Public Community College Act [110 ILCS 805], the University of Illinois Act [110 ILCS 305], the Chicago State Universities Law [110 ILCS 660], the Eastern Illinois University Law [110 ILCS 665], the Governors State University Law [110 ILCS 670], the Illinois State University Law [110 ILCS 675], the Northeastern Illinois University Law [110 ILCS 680], the Northern Illinois University Law [110 ILCS 685], the Western Illinois University Law [110 ILCS 690] Regency-Universities Act [110 ILCS 705] and the Southern Illinois University Name Change Act [110 ILCS 505].
- i) Self-initiated activity qualifies as "self-initiated education or training" for this component if:
 - A) The participant is attending at least half-time as defined by the institution;
 - B) The participant is making satisfactory progress in such institution's school or course;
 - C) The course of study is consistent with the individual's employment goal; and
 - D) The participant meets the assignment and approval criteria under the provisions of Section 112.78(h)(2)(A) through (h)(7).
- 1) Approval Criteria For Post-Secondary Education
 - A) The individual must have a high school diploma or a GED.
 - B) The individual must possess the aptitude, ability and interest necessary for success in the selected program as determined by such factors as test results and educational/training background.
 - C) The individual must be enrolled full-time as defined by the institution or part-time if a full-time program is not available or appropriate to upgrade skills for current

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- employment.
- D) The individual must be in a program needed for the individual to obtain employment in a recognized occupation or upgrade skills for current employment.
- E) The individual does not already possess a baccalaureate degree or an associate degree if the Responsibility and Services Plan employability plan goal is an associate degree.
- F) If the participant possesses a baccalaureate degree, no additional education may be approved.
- G) The individual's program must be accredited under requirements of State law.
- H) If needed, the individual must apply for all available educational benefits such as the Pell Grant and scholarships from the Illinois Student Assistance Commission as well as any scholarship or grants identified by the education or training facility for which the participant may be eligible.
- I) Jobs, consistent with the individual's Responsibility and Services Plan employability plan, must be available in the chosen field in a specific geographical area where the individual intends to work upon program completion.
- J) When programs of comparable quality are available in more than one geographical area, the program selected will be the least costly in supportive service costs to the Department. When programs of comparable quality are available in the same geographical area, the individual may select a preferred program.
- K) The program selected may be no more than a program that will result in the receipt of a baccalaureate degree consistent with the Responsibility and Services Plan employability plan.
- L) The individual, unless enrolled in a full-time, short-term vocational training program of 12 months or less than two years, must also be employed in unsubsidized work for at least 20 eight hours each week or participating for at least 20 eight hours per week in one or more of the following paid or unpaid work activities:
 - i) work study;
 - ii) practicums, clinicals, or vocational internships such as student teaching, if required by the institution to complete the educational program;
 - iii) apprenticeships; or
 - iv) self-employment, if the earned income is reported monthly and the gross earned income is at least \$13-44 per week; or
- V) enrollment as a full-time Americorps VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (41 USC 4951 et seq.).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

M) Individuals who have been continuously enrolled in an approved post-secondary education program prior to July 1, 1997 must comply with the 20 hour per week work requirement by the end of the fall 1997 semester, or the activity will not be approved for the spring 1998 semester.

N)M) Individuals who lose employment, unless due to a temporary scheduled employer shutdown, can continue in post-secondary education and receive supportive services, if eligible, during the current semester for 30 calendar days while they seek employment. If the individual has not reentered employment of at least 20 hours per week by the end of the current semester within 30 calendar days, the individual will not continue in post-secondary education and receive supportive services, but will be reassigned to Job-Readiness or another appropriate activity component.

2.)3) Participation Requirements

A) The individual must maintain participation of at least 75% unless there is good cause for missing more.

B) The individual must maintain a "C" average if this measurement is used by the institution to determine satisfactory progress. The individual would be allowed one semester below a "C" average to bring the grades up to a "C" average. When grades are not used, satisfactory progress will be determined by the written policy of the institution to establish a comparable grade level upon completion of the academic term.

C) The individual must participate an average of 20 hours each week unless special circumstances prevent 20 hours of participation each week. B) The client must complete all scheduled program enrollment hours each academic term to maintain satisfactory progress, except in the following situation. If the client withdraws from one or more scheduled courses during an academic term, the client must complete all scheduled enrollment hours during the following academic term. The client may withdraw from one or more scheduled classes in more than one academic term but must complete all scheduled enrollment hours the following academic term to maintain satisfactory progress.

D) E) Curriculum changes must be made with the approval of the TANF worker §0B9 and will be approved when the change is consistent with the Responsibility and Services Plan employability plan.

1) Job Development and Placement (JDP)

1) TANF §0B9 staff shall develop through contacts with public and private employers unsubsidized job openings for participants. Job interviews will be secured for clients by the marketing of participants for specific job openings.

2) Assignment to JDP

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Job ready individuals may be assigned to JDP.

j) Job Retention

Job The-job Retention retention-component is designed to assist participants in retaining employment. Job Retention initial employment expenses are provided. The individual's supportive service needs are assessed and the individual receives counseling regarding Job Retention job-retention skills. Counseling or job coaching may continue up to three months after employment begins as long as the individual continues to receive TANF.

k) Unemployed Parents Work Experience

1) Parents in a two-parent TANF the-APB8-9 case may be required to participate in Unemployed Parents Work Experience unless they are exempt under one of the exemption criteria (see Section 112.71). Unemployed Parents Work Experience participants who are placed on a supervised work assignment improve their employment skills through actual Work Experience work-experience at private employers, not-for-profit organizations and governmental agencies. Participants are referred to work assignments as vacancies are available. Private employers, not-for-profit organizations and governmental agencies shall not use Unemployed Parents Work Experience participants to displace regular employees (see subsection (k)(7) of this Section).

3) At least one parent in a two-parent TANF case is required to participate in a Work Experience assignment for at least 30 hours per week unless exempt or one parent is employed. The participant in a two-parent TANF case must participate in Work Experience for as long as he or she remains eligible for cash assistance or until determined exempt from TANF. At the end of every six months, Work Experience participants will be reassessed to determine the appropriateness of the work assignment, if the participant is gaining work skills and if there is opportunity for employment. The individual must participate in Unemployed Parents-Work-Experience-for-as-long-as-he-or-she-remains-eligible-for-financial-assistance-or-until-determined-exempt-from-§0B9-Work-assignments-are-for-20-hours-each-week-or-40-hours-each-week-for-two-weeks-followed-by-two-weeks-off-Attendance-in-the-work-assignment-is-monitored-monthly-A-reassessment-must-be-conducted-with-the-participant-at-least-every-12-consecutive months-

4) Assignment to Work Experience

A) The Unemployed Parents Work Experience participant who possesses a high school diploma or equivalent will be assigned to a work assignment. The participant who does not possess a high school diploma or equivalent and who is:

- i) age 20 and over must participate an average of at least 30 hours each week in the Unemployed Parents Work Experience work assignment. In addition, the client may participate in educational activities below

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

the post-secondary level; or age--25--and-over--may participate--in--educational--activities--below--the post-secondary--level--in--addition--to--his--or--her Unemployed-Parents-Work-Experience-work-assignment; ii) age--20--through--24--may--choose--to--participate--in educational--activities--below--the--post-secondary--level in--addition--to--or--instead--of--the--Unemployed-Parents-Work-Experience-work-assignment;--the--individual--must participate--an--average--of--20--hours--each--week--in--the Education--(below--post-secondary)--component--if--he--or she--chooses--this--component--instead--of--the--Unemployed Parents-Work-Experience-work-assignment--unless--a--20 hour--weekly--educational--program--is--not--available--in the--area--where--the--program--is--located;--the--individual must--then--attend--the--program--for--the--scheduled--hours the--program--is--offered;--if--the--individual--fails--to make--satisfactory--academic--progress--in--the--Education (below--post-secondary)--component;--the--individual--will be--assigned--to--an--Unemployed-Parents--Work--Experience work-assignment;--or--if--under--age--20--must--participate an average of 20 hours each week in educational activities below the post-secondary level or be assigned to Work Experience for 20 hours weekly as appropriate unless--a--20--hour--weekly--educational program--is--not--available--in--the--area--where--the--program is--located. If assigned to education, the individual must then attend the program for the scheduled hours the program is offered. The individual must meet the participation requirements of the Education (below post-secondary) component (see Section 112.78(a)). If the individual fails to make satisfactory academic progress, the individual will be assigned to the Unemployed Parents Work Experience work assignment.

- B) Entry into Unemployed Parents Work Experience
Parents in a two-parent TANF the-APBC-V case may be required to participate in Unemployed Parents Work Experience unless they are exempt under one of the exemption criteria (see Section 112.71).
- C) Unemployed Parents Work Experience Positions
A participant shall be assigned to an Unemployed Parents Work Experience position based on work history, prior training, experience, skills and vocational preference. The date the participant is scheduled to begin the work assignment marks the beginning of participation in Unemployed Parents Work Experience.
- D) Unemployed Parents Work Experience activities may be combined with other component activities if it is determined

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- appropriate.
E) Enrollment as a full-time Americorps VISTA volunteer or Job Corps participant under Title I of the 1973 Domestic Volunteer Services Act (42 USC 4951 et seq.) is an allowable work activity. Paid work study and some paid JTPA programs are also allowable.
- 5) Participation Requirements
A) Participants in two-parent TANF cases must make a good faith effort to complete up to one employer contact per week equivalent to five hours of job search activity in each 30-day period During-the-work-assignment-period;--the--client must--make--a--good--faith--effort--to--complete--five--employer contacts--in--each--30--day--period.
B) Failure to make the required number of employer contacts each 30 day period without good cause may result in sanction. A client will not be sanctioned if he or she makes a good faith effort to complete and provide verification of the required number of employer contacts (see Section 112.78(d)(3)(B)).
C) Participants are also required to report as scheduled and on time to their work assignment Sponsor when notified of an assignment. When they cannot report to their work assignment or if they will be late, they are to immediately notify their work assignment Sponsor. The individual must participate the number of assigned hours each week. The client--must--maintain--satisfactory--participation--of--at--least 75%--of--all--scheduled--hours--each--month. Participation may include the work assignment, attendance in Education (below post-secondary) and/or completion of employer contact activities. B) At least one parent in a two-parent TANF case is required to participate in a work experience assignment for at least 30 hours per week unless exempt or one parent is employed. The participant in a two-parent TANF case must participate in Work Experience for as long as he or she remains eligible for cash assistance or is determined exempt from TANF. The--client--attending--a--work--assignment--must participate--20--hours--each--week--or--40--hours--each--week--for--two weeks--followed--by--two--weeks--off.
- 6) Reassessment
At the end of every six months, Work Experience participants will be reassessed to determine the appropriateness of the work assignment, if the participant is gaining work skills and if there is opportunity for employment. A--reassessment--must--be conducted--with--the--participant--at--least--once--every--12--consecutive months.
Anti-Displacement
The Unemployed Parents Work Experience is subject to the provisions of Section 112.78(s).
- 7)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- A) The Unemployed Parents Work Experience Sponsor shall not use participants to:
- i) displace positions or persons who are already employed as regular full time or part time employees of the Sponsor, regardless of whether those employees are on active status or are on leave status due to disability, personal reasons or any other reason; this includes partial displacement such as reduction in hours of non overtime work, wages or employment benefits;
 - ii) displace persons who are or have been involved in a labor dispute between a labor organization and the Sponsor;
 - iii) impair existing contracts for services or collective bargaining agreements;
 - iv) infringe in any way upon promotional opportunities of any currently employed individual;
 - v) fill any established funded unfilled position vacancy or
 - vi) displace persons who have been laid off or terminated by the Sponsor or if the Sponsor has otherwise reduced its workforce;
- B) Participants other employees at the work site or their representatives may file a grievance with the Department if they believe participants work assignments are causing displacement in order for the Department to consider a grievance; it must be in writing and contain the following information:
- i) the name and address of the participant or other employee at the work site (the grievant);
 - ii) the participant's public aid case number;
 - iii) the grievant's social security number;
 - iv) Work Experience (work site) and
 - v) a statement as to why the grievant believes the participant is causing displacement;
- C) Not more than ten days after receipt of a written grievance the Department shall arrange an in person conference with:
- i) the grievant;
 - ii) the grievant's representative, if any;
 - iii) the Work Experience Sponsor;
 - iv) the Work Experience Sponsor's representative, if any; and
 - v) the Department's representative.
- B) At the in person conference, the Department shall solicit and receive from the grievant and from the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information requested by

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- the grievant and/or the Department within 15 days after the in person conference. The Department shall advise the grievant and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions as to the matters alleged in the grievance.
- F) If the Department concludes that displacement occurred (as described in subsection (e)(5)(A)(i) of this Section), the Department shall terminate the participant's assignment to that Work Experience Sponsor if the Department concludes as a result of the evidence presented at the conference that the Work Experience Sponsor has caused displacement by use of JBS participants in addition to the participant involved in the grievance; the Department shall terminate those JBS participants' assignment to that Work Experience Sponsor.
- G) A decision of the Department relating to a displacement grievance may be appealed by an employee who is not a participant within 20 days after the receipt of the Department's written decision. The appellant shall send the appeal to the Office of Administrative Law Judges at the Department of Labor per 45-CCR-251-4.
- H) All participants and other employees at the work site are assured that no retaliation will be taken against them by the Department, its employees or the Work Experience Sponsor for filing a grievance or otherwise proceeding under this policy.
- 1) Self-Employment
- Self-employment activities components will increase the individual's ability to start and maintain a business. Self-employment activities will include self-employment development training programs, technical assistance programs and a two year exemption of business assets and income for participants. In order to be approved in the self-employment component, the self-employment development plan must be approved.
- 1) Assignment to Self-Employment
- Applicants must have a GED or high school diploma, some work experience and/or proven ability or have a plan that indicates success can be obtained without these requirements.
- 2) Participation Requirements
- Participants must participate in the assigned number of hours attend at least 75% of classroom activities.
- 3) Self-Employment Asset and Income Exemptions
- In order to qualify for a two year self-employment exemption of the business assets and income, the individuals must:
- A) complete a self-employment program or demonstrate equivalent knowledge and experience; and
 - B) submit a business plan which includes the following items:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- i) verification that the business can be started for under \$5,000;
- ii) verification that the loan, if needed, has been secured or that an application for a loan is pending;
- iii) a marketing plan which includes a complete product or service description, the market area, the target customers and promotional strategy, an analysis of the competition, distribution, pricing and selling methods; and
- iv) a financial plan which includes the amount of loan the business will need and the repayment plan, the projected monthly cash flow over a two year period, and the estimated cost of production and/or distribution and the estimated operating expenses.

m) Unstructured Community Work Experience

Unstructured Community Work Experience provides TANF participants with activities that emphasize and build on the individual's job seeking confidence by positively reinforcing the achievement of each small step gained in his or her successful advances toward employment. Activities may include volunteer work as well as job search contacts. Activities are closely monitored for compliance and for tracking the length of time that participants are assigned to Unstructured Community Work Experience. At the reassessment the participant is assigned to the more structured work experience activity or Work First when the participant becomes more job ready. Participants are required to complete the work activities booklet weekly to document their Job Search and Community Service activities. Activities must be for 20 hours per week or as assigned by their Responsibility and Services Plan.

n) Get A Job Initiative

- 1) The Department will operate Get A Job as a statewide demonstration for five years beginning November 1, 1995. Some areas will be designated as research sites, where cases will be randomly assigned to an experimental or control group. Clients in these areas not in the experimental group will not participate in Get A Job.

2) Selection of Participants

At the time TANF cash assistance is approved, adults who are not exempt from participation in the TANF Employment and Work Program and who meet the following criteria will be assigned to Get A Job. Nonexempt adults will be selected if:

- A) they are unemployed or employed and budgeted gross earnings are less than \$255 per month;
- B) their youngest child is age five through 12; and
- C) the adult:
 - i) has a high school diploma or GED;
 - ii) has been employed within the last three months; or
 - iii) is receiving Unemployment Insurance (UI) Benefits or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 3) TANF Orientation and Family Assessment

has received UI within the last three months.

- A) At application, potential Get A Job participants will be identified during the intake process. The eligibility worker will inform the client about the TANF Employment and Work Program and explain Get A Job participation requirements and available supportive services. The worker will provide the client with information and forms needed to begin participation in Get A Job.
- B) The determination that the client meets the selection criteria for Get A Job and the evaluation of the need for and arrangement of supportive services constitutes the initial TANF family assessment for Get A Job participants.
- C) Participants will not be approved for education or training programs while in Get A Job.

4) Participation Requirements

- A) Unless they have good cause, participants must:
 - i) attend scheduled monthly job search meetings;
 - ii) keep appointments with Get A Job staff;
 - iii) make a good faith effort to complete 20 employer contacts each month;
 - iv) accept a bona fide offer of suitable employment; and
 - v) maintain employment and not voluntarily reduce earnings.

- B) Participants will remain in Get A Job for six months or until they have budgeted earnings of at least \$255 per month, whichever comes first. Nonexempt participants will then be reassigned to other TANF activities as slots are available.

- C) Participants will be placed in Get A Job each time they are approved for cash assistance and meet the selection criteria.

5) Supportive Services

Supportive services will be provided to assist participants in their job search.

- A) Each participant will receive a monthly job search allowance of \$20 to cover the cost of employer contacts including transportation, stamps, resumes, etc. No additional payment for these costs will be allowed.

- B) Payment for child care and initial employment expenses will be provided, as needed, within the limits stated in Section 112.82.

6) Sanctions

- A) Reconciliation will be attempted with participants who fail to meet participation requirements (see Section 112.77).
- B) When reconciliation is unsuccessful, the TANF sanctions will apply (see Section 112.79).

o) Targeted Work Initiative (TWI)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Demonstration Status

The Department will operate the Targeted Work Initiative (TWI) as a statewide demonstration for five years beginning December 1995. Some areas will be designated as the research sites where cases will be randomly assigned to an experimental or control group. Clients in these areas who are not in the experimental group will not participate in TWI.

2) Selection of Participants

TANF cash recipients whose youngest child is age 13 or older shall be required to participate in TWI and must seek and accept employment as part of the TANF activity requirement, unless the recipient has earned income or is excused for one of the following reasons (Other TANF exemption reasons listed in Section 112.71 do not apply to the TWI population):

- A) The recipient is temporarily ill or chronically ill.
 - i) An individual is temporarily ill when determined by the local office, on the basis of medical evidence (for example, a statement from a medical provider) or on another sound basis, that the illness or injury is serious enough to temporarily prevent the individual from engaging in employment or participating in a work activity. A sound basis for exemption on a temporary basis includes but is not limited to: the observation of a cast on a broken leg or the client provides information of a scheduled surgery or recuperation from surgery. Minor ailments and injuries, such as colds, broken fingers or rashes are not serious enough normally to exempt the individual under this criterion.
 - ii) An individual is chronically ill or incapacitated, as determined by the local office, when a physician or licensed or certified psychologist finds that a physical or mental impairment, either by itself or in conjunction with age or other factors, prevents the individual from engaging in employment or participating in a work activity. This includes a 12 week period of recuperation after childbirth.
 - iii) When an individual is determined either temporarily or chronically ill or incapacitated, the exclusion shall continue until further action is taken by the Department. When the exemption is initially granted, the Department will establish a date as to when the condition warranting the exemption is expected to end or, upon case review, the exemption will be reevaluated to determine whether the exempted individual continues to be exempt under the same procedures as for the initial determination of exemption with appropriate notice to the individual.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

that the reevaluation is necessary.

- B) The recipient provides full-time care for another household member due to that person's medical condition or incapacity.
- 3) Time Limit on Receipt of Cash Assistance
 - A) When the participant has been in TWI for 24 months, the participant must be working or in Work First to qualify for TANF, unless the participant is excused for one of the reasons in Section 112.78(o)(2).
 - B) Beginning with the first month in TWI, the addition to the household of a child under age 13 or the birth of a child more than 10 months later shall not extend the 24-month period.
 - C) After reaching the 24-month limit, the participant shall be ineligible for cash assistance for a period of 24 months, unless the participant is employed or in Work First. When the participant is off cash assistance for 24 consecutive months, for any reason, the participant will again be eligible for TANF if all other eligibility factors are met.
- 4) Participation Requirements

During the 24-month eligibility period, participants must cooperate with the requirements of the TANF Program as described in Section 112.72. Participants who fail to cooperate shall be subject to sanction.
- 5) Sanctions
 - A) Reconciliation (see Section 112.77) will be attempted with participants who fail to meet participation requirements without good cause (see Section 112.80).
 - B) When reconciliation is unsuccessful, the TANF sanctions will apply (see Section 112.79).
- 6) Activity Assignments for TWI Participants
 - A) Initial Activity Assignment
 - i) Participants with a high school diploma, GED or recent work history will initially be required to complete eight weeks of independent Job Search followed by assisted Job Search.
 - ii) Participants who have neither a high school education nor recent work history will initially be given a choice of independent Job Search, Job Search plus job training or GED.
 - B) Work First/Pay After Performance for TWI Participants
 - i) Participants who have completed their appropriate activity and have not become employed after 12 months will be assigned to the Work First/Pay After Performance program.
 - ii) Participants in Work First must work at least 50 hours per month in an assigned Pay After Performance position. Their TANF grant will be reduced by this amount (assigned hours x minimum wage). They will be

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

paid the Federal minimum wage, by the employer or Community Based Provider, for only the number of hours they actually participate.

iii) Participants in Work First must also complete 20 employer contacts each month equivalent to 35 hours of job search activities per month or 35 hours of job club activities per month.

iv) Participants will be assigned to Work First/Pay After Performance until they find unsubsidized employment. An assessment will be conducted every six months to determine appropriateness of assignment, if work skills are being gained and if the opportunity for placement exists.

v) The Department will develop Work First/Pay After Performance positions with private employers or not-for-profit or public agencies and will provide Worker's Compensation coverage for participants.

vi) Work First/Pay After Performance for TWI participants is subject to the provisions of Section 112.78(s).

p) Work First/After Performance for Non-TWI Participants

1) Participants who are not in TWI and quit employment without good cause or lose employment for reasons entirely out of their control (for example, plant closings or layoffs) will be required to participate in Work First/Pay After Performance for six months or until they obtain employment to the extent slots exist. To the extent that resources allow, job ready clients will also be targeted for Work First/Pay After Performance slots.

2) Individuals in a TANF case assigned to Work First must participate in Work First and other activities combined for an average of at least 20 hours each week in FY 1997 and FY 1998, at least 25 hours each week in FY 1999, and at least 30 hours each week in FY 2000 and after.

3) Non-TWI nonexempt individuals in a two-parent TANF case must participate an average of at least 35 hours each week.

4) Participants in Work First participate the number of hours per month equal to the relevant amount of benefits divided by minimum wage. Other countable activities will be combined with Work First to meet minimum hourly participation requirements.

5) Participants will be assigned to Work First/Pay After Performance until they find unsubsidized employment. An assessment will be conducted every six months to determine appropriateness of assignment, if work skills are being gained and if the opportunity for placement exists.

6) The Department will develop Work First/Pay After Performance positions with private employers or not-for-profit or public agencies. The Department shall provide Worker's Compensation coverage for participants. The Department will ensure all applicable employer safety laws are met for Work First/Pay After

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Performance assignments. Failure of an employer to do so will result in termination of the contract.

7) Work First/Pay After Performance for non-TWI participants is subject to the provisions of Section 112.78(s).

g) Substance Abuse

1) Selection of Participants

If alcohol or substance abuse is suspected as a barrier to employment during the family assessment process or at an intake interview, the client will be referred for a clinical assessment by an alcohol/substance abuse counselor. If treatment is indicated, the client will be required to follow-up as a condition of eligibility, unless the client is employed more than 30 hours per week or if treatment resources are not available.

2) Work Activity

Clients participating in alcohol/substance abuse treatment in accordance with their Responsibility and Services Plan are participating in a work activity.

3) Supportive Services

Supportive services, i.e., child care and transportation, will be provided to enable clients' participation in treatment, to the extent resources are available.

4) Sanctions

A) Conciliation will be attempted with clients who fail to cooperate with their treatment plan. Cooperation with the treatment plan will be defined by the alcohol/substance abuse provider, based on uniform guidelines.

B) When conciliation is unsuccessful, the TANF sanctions will apply.

r) Domestic Violence

1) Selection of Participants

All clients receiving TANF will have a family assessment completed. If domestic violence is a barrier to employment, the client will be referred to a domestic violence service provider.

2) Work Activity

Clients participating in domestic violence abuse treatment are in accordance with their Responsibility and Services Plan and are participating in a work activity.

3) Supportive Services

Supportive Services, i.e., child care and transportation, will be provided to enable clients' participation in treatment, to the extent resources are available.

4) Sanctions

If the individual does not comply with the Responsibility and Services Plan relating to domestic violence, a sanction will not be imposed. The Responsibility and Services Plan will be reviewed, and other work related activities will be developed. Compliance will be required for the new activities.

s) Anti-Displacement and Grievance Procedure

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) An employer may not utilize a work activity participant if such utilization would result in:

- A) the displacement or partial displacement of current employees, including but not limited to a reduction in hours of non-overtime or overtime work, wages, or employment benefits; or
- B) the filling of a position that would otherwise be a promotional opportunity for current employees; or
- C) the filling of a position created by or causing termination, layoff, a hiring freeze, or a reduction in the workforce; or
- D) the placement of a participant in any established unfilled vacancy; or
- E) the performance of work by a participant if there is a strike, lockout, or other labor dispute in which the employer is engaged.

2) An employer who wishes to utilize work activity participants shall notify the appropriate labor organization in accordance with the applicable State statute [305 ILCS 5/9A-13].

3) Participants, other employees at the work site or their representative, may file a grievance with the Department if they believe the participant's work assignments are causing displacement. In order for the Department to consider a grievance, it must be in writing and contain the following information:

- A) the name and address of the participant or other employee at the work site (the grievant);
- B) the participant's case number (if grievant is participant);
- C) the grievant's Social Security number;
- D) Work Experience (work site); and
- E) a statement as to why the grievant believes the participant is causing displacement.

4) Within ten days after receipt of a written grievance, the Department shall arrange an in-person conference with:

- A) the grievant;
- B) the grievant's representative, if any;
- C) the Work Experience Sponsor;
- D) the Work Experience Sponsor's representative, if any; and
- E) the Department's representative.

5) At the in-person conference, the Department shall solicit and receive from the grievant and the Work Experience Sponsor any documents and statements relevant to the matters alleged in the grievance. The Work Experience Sponsor shall provide whatever documents or other information is requested by the grievant and/or the Department.

6) Within 15 days after the in-person conference, the Department shall advise the participant or other employee at the work site and the Work Experience Sponsor in writing of the information obtained in the investigation and of the findings and conclusions

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

as to the matters alleged in the grievance.

7) If the Department concludes that displacement occurred (as described in subsection (s)(1) of this Section), the Department shall terminate the participant's assignment to that Work Experience Sponsor. If the Department concludes, as a result of the evidence presented at the conference, that the Work Experience Sponsor has caused displacement by use of TANF participants in addition to the participants involved in the grievance, the Department shall terminate those TANF participants' assignment to that work assignment Sponsor.

8) The Department, its employees or the Work Experience Sponsor shall not retaliate for filing a grievance or otherwise proceeding under this policy. Retaliation will result in the termination of the Work Sponsor contract.

(Source: Amended Nov 20 1997, Ill. Reg. 15684, effective 11/20/97)

Section 112.79 JOBS Sanctions

a) Sanctions may be imposed against those nonexempt participants who are mandated to participate in JOBS and fail to participate without good cause. Sanctions shall be based on instances of non-cooperation which occur on or after July 1, 1997. The sanction penalty shall be as follows: in JOBS if conciliation is unsuccessful--see Section--112-90 for good cause--as specified in subsection--(b) of this Section--Exempt and nonexempt individuals who volunteer to participate in JOBS and attend the orientation meeting and become a program participant by completing the initial Assessment, development of the employability plan and assignment to a component will be sanctioned if they thereafter do not meet the program requirements in subsection--(b) of this Section without good cause--For the first failure to cooperate, the sanction period lasts until the participant agrees to cooperate. A sanction period of three payment months or until the individual cooperates, whichever is longer, is imposed for the second failure to participate if conciliation is unsuccessful, a sanction period of six payment months or until the individual cooperates, whichever is longer, is imposed for subsequent failures to participate if conciliation is unsuccessful. The Department will not impose a three or six month sanction on any nonexempt participant due to a sanction imposed prior to April 17, 1990.

1) For the first instance of non-cooperation, the cash assistance payment is reduced by 50 percent of the family's payment level until the cooperation requirement is met. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment is stopped.

2) For the second instance of non-cooperation, the cash assistance payment is reduced by 50 percent of the family's payment level

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

for three months. If the cooperation requirement is not met after three months of reduced payments, the entire cash payment is stopped.

- 3) For the third instance and any subsequent instance of non-cooperation, the family's entire cash assistance payment is stopped for at least three months. Cash assistance will be reinstated for the fourth month if the cooperation requirement is met during the three-month sanction period.
- 4) Sanction penalties accumulate by family, not by person, during any single period of continuous assistance. A loss of all cash assistance due to sanction shall not be considered a break in assistance. If a family member's non-cooperation occurs during a sanction period which was the result of another member's non-cooperation, the next progressive sanction shall apply.

b) Sanction Reasons Sanctions

Sanctioning of a participant will result from one instance of any of the following unless reconciliation concitiation is successful:

- 1) failure to respond to a job referral;
- 2) failure to accept a bona fide offer of suitable employment (see Section 112.72(a)(3) and (4));
- 3) discontinuing part-time employment (less than 20 30 hours per week) (see Section 112.64);
- 4) reducing employment (that is, hours of employment) to less than 20 hours per week (see Section 112.64(d)(1));
- 5) failure to respond to a call-in notice for an Orientation appointment (see Section 112.76). This reason only applies to nonexempt clients who are mandated to participate in JBSB;
- 6) failure to report to an assessment interview and comply with the assessment process (see Section 112.74). This reason only applies to nonexempt clients who are mandated to participate in JBSB;
- 7) failure to participate in the JBSB-component activity;
- 8) failure to respond to a written notice for a meeting. For the purpose of determining attendance at JBSB meetings, if participant arrives anytime within 30 minutes of the start of the scheduled meeting, the participant will be considered present and will be seen. If the participant has good cause (see Section 112.80) for being more than 30 minutes late the tardiness will be excused. The JBSB worker will include the participant in a scheduled group or other meeting or re-schedule the participant for another meeting;
- 9) failure to make good faith effort to complete and provide verification of the required number of acceptable employer contacts every 30 days when employer contact activity is required in-a-component;
- 10) failure to accept transportation, family counseling or other social service or employment and training services such as testing or employment counseling, thereby precluding or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 11) failure to maintain satisfactory participation of at least 75% in below post-secondary and post-secondary education activities in any program-component; or
- 12) failure to provide verification of education/training activities, employability status, etc.

c) No JBSB sanction will be imposed until JBSB staff has sent the participant a written notice scheduling a good cause determination/reconciliation concitiation meeting to determine whether the participant had good cause for his or her failure to comply with JBSB requirements and the participant has either failed to attend the meeting or failed to show good cause. If the participant failed to show good cause, the reconciliation concitiation process will continue (see Section 112.77) to enable resolving disputes related to JBSB participation. The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause. Failure of the participant to appear for the scheduled meeting is not considered an instance of noncooperation.

d) A JBSB sanction against participants may be rescinded at any level of the sanction process up through and until the final agency decision, including any appeal hearing, if the participant establishes good cause (see Section 112.80 for good cause criteria).

e) When an APBE-B case is sanctioned for non-compliance with JBSB-the principal wage-earner's connection to the labor force shall not have to be reestablished at the end of the sanction period-unless assistance has been cancelled for another reason.

f) The notice of change form issued for a JBSB sanction shall include the following:

- 1) a description of the acts of noncooperation with JBSB, including dates where applicable;
- 2) a statement that the participant's acts were without good cause (see Section 112.80 for good cause criteria); and
- 3) the following language will be required for participants: You will be sanctioned until (last day of sanction period). In order for cash assistance to be restored at the end of the sanction period with no further gap in assistance, you must file an application (or written request) for cash assistance between (x date) and (y date). If you apply later than (y date), there may be a further gap in assistance.

g) At least 14 days prior to the end of the sanction period, a notice will be sent to sanctioned individuals whose failure to cooperate has continued for three months explaining the individual's option to end the sanction.

h) A sanction under this Section shall not affect receipt of Medical Assistance. Likewise, a sanction for child support enforcement or the school attendance initiative does not affect any instances of non-cooperation under this Section. Receipt of Medical Assistance and/or Food Stamps shall not be terminated as a result of a JBSB

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

sanction-

h) Individuals who are sanctioned will be contacted at least one time per month to attempt to re-engage the client back into the program. Supportive services (see Section 112.82) will be paid while in sanction status if the individual is participating. If the family is also sanctioned for failure to cooperate with child support enforcement or school attendance initiative requirements, the sanctions are served simultaneously.

1) During the sanction period, the individual who fails to cooperate with JABS is ineligible for financial assistance. If the individual is sanctioned, the unemployed parent in the case and a second parent is in the case, the second parent shall also be sanctioned even if exempt, unless the second parent is participating in the JABS Program.

i) A person must cooperate to end the sanction. When the person cooperates, benefits are restored as of the date of cooperation or, for second or third instances of sanction, at the end of the three month period, whichever is later.

(Source: Amended at 21 Ill. Reg. 15597, effective 11/28/04)

Section 112.80 Good Cause for Failure to Comply with TANF JABS Participation Requirements

a) If a participant has good cause for not complying with a TANF JABS participation requirement, financial assistance shall not be discontinued. Examples of good cause include but are not limited to:

- 1) temporary illness for its duration or incapacity;
- 2) court required appearance or temporary incarceration;
- 3) family crisis; 4) death in the family;
- 5) breakdown in child care arrangement;
- 6) sudden and unexpected emergency;
- 7) unavailability of otherwise suitable child care;
- 8) breakdown in transportation--arrangements or lack of reasonably available transportation;
- 4)9) extreme inclement weather;
- 10) the job referral does not meet appropriate work or training criteria (see Section 112.72);
- 5)11) lack of any supportive service (see Section 112.82), even though the necessary service is not specifically provided under TANF JABS, to the extent the lack of the needed service presents a significant barrier to TANF JABS participation;
- 6)12) if an individual is engaged in employment and/or training that is consistent with the employment related goals of the program, if such employment and training is later approved by TANF JABS staff (e.g., a participant is unable to attend an orientation session because she is already attending GED classes);
- 13) failure to cooperate due to symptoms of conditions for which the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

participant may need rehabilitation services:

7)14) failure of Department staff or Contractor to correctly forward the information to TANF JABS staff;

8)15) failure of the participant to cooperate because of attendance at a test or a mandatory class or function at an educational program (including college), when an education/training program is officially approved by TANF JABS. When TANF JABS workers know in advance of such tests and mandatory classes or functions, they shall schedule TANF JABS activities around them if possible;

9)16) failure of the participant due to his or her his/her illiteracy;

10)17) failure of the participant because it is determined that he or she he/she should be in a different TANF JABS activity component; 11)18) non-receipt by the participant of a notice advising him or her him/her of a participation requirement, if documented by the participant. Documentation can include, but is not limited to: a written statement from the post office or other informed individual; the notice not sent to the participant's last known address in Department records; return of the notice by the post office; other returned mail; proof of previous mail theft problems. When determining whether or not the participant has demonstrated non-receipt, the Department shall take into consideration a participant's history of cooperation or non-cooperation in the past. If the documented non-receipt of mail occurs frequently, the Department shall explore an alternative means of providing notices of participation requests to participants;

19) non-accepting employment that would result in a net loss of cash income. Net loss of cash income results if the family's gross income less actual necessary work-related expenses is less than cash assistance the individual was receiving at the time the offer of employment is made.

A) Gross income includes, but is not limited to:

- i) earnings;
- ii) unearned income; and
- iii) cash assistance.

B) Necessary and reasonable expenses include:

- i) all mandatory deductions from gross income including union dues, medical insurance, and/or garnishments or court-ordered income withheld from earnings;
- ii) child care costs at the Department's established rate if the individual would not be eligible for transitional child care; and
- iii) transportation costs to get to and from employment including travel for child care at the Department's established rates.

12)20) non-comprehension of written and/or oral English;

21) failure of JABS staff to make an appropriate employability

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

assessment-and/or-plan;

22) the-individual-personally-provides-care-for-a-child-under-age-six and-the-employment-would-require-working-more-than-20-hours-per week;

13)23) child care (or day care for an incapacitated individual living in the same home as a dependent child) is necessary for the participation or employment and such care is not available for a child under age 13;

14)24) failure to participate in a TANF JOBS activity due to a verified scheduled job interview;

15)25) the individual is homeless. Homeless individuals (including the family) have no current residence and no expectation of acquiring one in the next 30 days. This includes individuals residing in overnight and transitional (temporary) shelters. This does not include individuals who are sharing a residence with friends or relatives on a continuing basis;

16)26) documented circumstances beyond the control of the participant which prevent the participant from completing program requirements; or

17) failure to participate in a TANF work activity because of violations of workplace rights due TANF recipients as determined by the U.S. Department of Labor.

27) other-reasons-that-prevent-participation-that-are-outside-of-the-control-of-the-individual;

b) The TANF JOBS worker will not require a participant to document good cause for noncooperation with TANF JOBS requirements unless:

1) the participant has failed to comply with TANF JOBS requirements on at least one other occasion within a 30-day 60-day period; or

2) evidence independent of the explanation of good cause casts doubt on the participant's explanation.

c) No participant shall be denied good cause solely on the basis that he or she failed to notify the Department in advance of a participation requirement. Nevertheless, failure to notify is material and is an important factor if the participant could have notified the Department.

(Source: NOV 26 1997 21 Ill. Reg. 15597, effective NOV 26 1997)

Section 112.81 Responsible Relative Eligibility for JOBS (Repealed)

Only-a-responsible-relative-with-no-net-income-because-of-unemployment-and-who resides-in-Illinois--and-is-not-receiving-General-Assistance-in-the-City-of Chicago-and-has-children-receiving-APBE--in-Illinois--shall-be-eligible-for Project-Chance--services---A-responsible-relative-who-is-participating-in-the Paternal-Involvement-Project-shall-be-eligible-for-JOBS-

(Source: Repealed at 21 Ill. Reg. 15597, effective

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

NEW 26 NOV 97

Section 112.82 JOBS Supportive Services

a) TANF APBE participants involved in TANF employment and work activities JOBS are eligible to receive supportive service payments to enable them to participate in the program to the extent State state resources permit and must receive supportive services if required to participate. The Department is not required to provide supportive services unless the Department requires participation.

b) During the Family Assessment initial--assessment, the supportive services needed by the participant which must be discussed and provided or arranged as needed include at least the following:

- 1) transportation;
- 2) child care;
- 3) job search and work activity allowances allowance;
- 4) initial employment/job retention expenses;
- 5) required books, fees, supplies; and
- 6) required physical examinations and medical services (for example, TB test);
- 7) eyeglasses and dental procedures; and
- 8) required background checks.

c) TANF JOBS participation in work and training activities shall not be required if supportive services are needed for effective participation but unavailable from the Department or some other reasonably available source. Individuals may be required to make a co-payment for ~~transitional~~ Child Care (see-Sections-112.400-through-112.410).

d) Student financial assistance received under Title IV of the Higher Education Act (20 USC 1070 et seq. and 20 USC 1087uu), including but not limited to Federal Pell Grants, Supplemental Educational Opportunity Grants, Byrd Scholarship Honors Program Grants, State Student Incentive Grants, Federal Stafford Loans, Supplemental Loans for Students, Perkins Loans, College Work Study and PLUS Loans, shall be exempt when determining eligibility or need for supportive services under the TANF JOBS program (Sections 112.70 through 112.83), or the amount of such supportive services, except as follows. The Department shall not issue payment for the amount of supportive service needs (other than child care) which the Department is able to conclusively determine have been or will be met from such portion of a student's financial assistance grant as is not disbursed to the student but rather is retained by the educational institution and applied to the cost of a specific educational expense otherwise payable as a supportive service under the TANF JOBS program. Such exception shall not apply to the student's loan proceeds, which may never be taken into account in determining the need or eligibility of any student for supportive services, or the amount of such supportive services, under the TANF JOBS program. Nor shall such exception apply if the educational institution intermingles student grant and loan proceeds

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

and the Department is unable to conclusively determine the portion of solely grant proceeds that is not disbursed to the student but rather is retained by the educational institution and applied to the cost of a specific educational expense otherwise payable as a supportive service under the TANF JBSBS program.

e) Eligible Services

1) Transportation

A) If requested and required (for example, a participant who does not have an automobile), expenses for transportation shall be provided to enable participants to attend scheduled TANF work and training-related activities and appointments Orientation--and-Assessment-meetings-and-all-other-scheduled JBSBS-appointments.

B) Transportation expenses are to be paid to permit participation in TANF JBSBS work and training-related activities, including travel necessary to locate appropriate child care.

C) Transportation expenses are to be paid to permit the participant to take a state certification examination.

D) Payment for lodging is permitted with Department approval to allow the participant to take a State state certification examination. The Department's determination is based on the participant's geographical location, time required for travel, and means of available transportation from the examination site.

E) Payment for transportation is only made for expenses which, with other educational expenses, exceed the amount of the financial aid benefits.

F) A transportation allowance is provided for participants in approved education and training activities: Work Experience, Work First, and approved program activities (for example, job clubs and Job Readiness sessions) transportation--payments-are-made-at-the-most-reasonable-and most-economical--rate--which-ever-is-less---if---the participant's-own-automobile-is-used-150-per-mile-will-be approved-which-includes-all-vehicle-related-expenses---the maximum-transportation-allowance-is-5000-per-month.

i) Public Transportation

Pay the actual public transportation rate per day or the cost of a monthly bus pass, whichever is less, but not to exceed \$88 per month. This allowance applies to the City of Chicago and communities statewide where public transportation is available.

ii) Private Transportation

Pay the following monthly rates if the participant must use a privately owned vehicle or pay someone for transportation: \$30 - Round trip transportation less than 10 miles per day; \$45 - Round trip transportation

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

from 10 to 20 miles per day; and \$60 - Round trip transportation over 20 miles per day.

2) Child Care

A) If requested and required (for example, when school is not in session), expenses for child care services shall be provided to enable participants to attend work and training-related Orientation-and-Assessment-meetings-and-all other-scheduled TANF JBSBS appointments.

B) Child care expenses are to be paid to permit participation in TANF JBSBS employment and work activities (see Section 112.78).

C) Maximum-rates-for-child-care-have-been-established-by--the Illinois--Department--of-Children-and-Family-Services-(DPS)- (see-89-III-Adm--Code--356-5(g))-- The Department shall allow payment of an amount not to exceed the maximum rates per child as established by the Department DDFS.

3) Job Search and Work Activity Allowances Allowance

A) An allowance of \$20-00 a month is to be paid to individuals participating in the Job Search Activity Component to assist in the payment of job-search Job Search-related expenses or to individuals to assist in the payment of Job Search-related expenses if Job Search activities are part of another TANF activity.

B) An allowance of \$20 \$10-00 a month shall is to be paid to individuals to assist in the payment of work expenses related to participation in assigned TANF work-related activities job---search-related-expenses---if-job-search activities-are-part-of-another-JBSBS-component-except-if-the individual-is-scheduled-at-80-hours-in-the-Community-Work Experience-component--or--the-employed-Parent-Work-Experience Component-and-is-making-five-employer-contacts--each--month the-allowance-for--job-search-related-expenses-is-\$5-00-a month.

4) Mandatory Fees

Mandatory fees, including application, registration, activities, laboratory, graduation and testing fees, are provided to participants enrolled in approved education or training programs (see Section 112.78) when the mandatory fees are not covered by financial aid benefits. A maximum payment of \$300-00 per 12 month period shall be provided. No payments are allowed for tuition.

5) Books and Supplies

Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which a participant is enrolled. A maximum payment of \$300-00 per 12 month period can be provided for expenses not covered by financial aid benefits.

6) Required Physical Examinations and Medical Services

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Payment is permitted for participants to obtain required physical examinations and medical services (for example, TB test) if the costs are not otherwise provided by sources such as the employer or the training program.

- 7) Initial Employment/Job-Retention Expenses
- A) Payment may be provided for employment expenses incurred when requested within 30 calendar days from the date employment begins. These expenses are paid on the individual's work days during a 30-calendar-day period from the date employment begins. The total amount of all Initial Employment Expenses provided shall not exceed \$400 in a 12 consecutive month period following the date employment begins. Initial Employment Expenses used for child care are excluded from the calculation of the total amount. Payment may be made to individuals employed at least 20 hours weekly on a job that is expected to last at least 30 calendar days or employed less than 20 hours weekly on a job that is expected to last at least 30 calendar days and total hours of employment plus component activity equal at least 20 hours per week.

- B) The total amount of all Job-Retention Expenses provided shall not exceed \$400 in a six consecutive month period. Job-Retention Expenses used for child care, optical, and dental services are excluded from the calculation of the total amount.

C) These expenses include:

- i) special clothing (maximum \$200);
- ii) required tools which are not provided by the employer (maximum \$200);
- iii) repairs on an automobile (maximum \$300). The following requirements are to be met before a request for payment for repair of and automobile is approved: The client has no other available and suitable form of transportation to and from employment. The client is unable to report to the employment unless the automobile is repaired. The client has a valid driver's license and has provided evidence of insurability. The automobile, when repaired, will be suitable for the purpose intended and no other obvious mechanical deficiency has been observed. The title and license of the automobile must be in the name of the client (or the client's spouse in a TANF or AFDC case);
- iv) auto license plate fees;
- v) auto liability insurance at the cheapest rate but not to exceed \$150 or three months coverage, whichever is less costly;
- vi) pay the actual public transportation rate per day or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

the cost of a monthly bus pass, whichever is less, but not to exceed \$88 per month. This allowance applies to the City of Chicago and communities statewide where public transportation is available. The following monthly rates will be paid if the participant must use a privately owned vehicle or pay someone for transportation: \$30 - Round trip transportation less than 10 miles per day; \$45 - Round trip transportation from 10 to 20 miles per day; and \$60 - Round trip transportation over 20 miles per day. Transportation expenses at the most reasonable and most economical rate, whichever is less, if the participant's own car is used, is 15 per mile shall be authorized. A maximum payment of \$9.00 per day shall be approved;

- vii) child care;
- viii) physical examinations prior to employment if required and not provided by the employer;
- ix) other required items related to a specific job (maximum \$300); and
- x) items or services purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300.00). Items and services may include but are not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone;

- xi) security deposit for the driver of a carpool vehicle to transport a group of workers to a worksite; and
- xii) eyeglasses and dental services approved by the Department to alleviate barriers to employment.

D) Initial Employment/Job-Retention employment expenses shall not be authorized to purchase fire arms, pay bail bonds or traffic tickets, or pay relocation expenses so an individual can accept employment elsewhere.

E) Initial Employment/Job-Retention Also not permitted as an initial employment expense are expenses appropriate required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services' licensed child care provider and other micro enterprise start ups likely to generate income.

8) Eyeglasses and Dental Procedures

Payment is allowed with Department approval for eyeglasses and dental procedures such as partial plates for participants with noticeably missing/malformed teeth or other dental procedures needed to meet the objectives of the participant's Responsibility and Services Plan.

9) Background Checks

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Payment of fees for conviction background investigations is allowed when employers require a background check of their regular employees for the same type of job or work experience that is completed by the TANF participant. Criminal history record conviction information is obtainable by the public pursuant to the Uniform Conviction Information Act [20 ILCS 2635] and the Health Care Worker Background Check Act [225 ILCS 46].

f) These allowances are exempt from consideration in determining the TANF APBE grant amount.

g) Ancillary Supportive Services

1) In addition to supportive service payments as specified in subsection (b) above, participants are eligible to receive the following ancillary supportive services, if needed, and the service is available in the community at no cost to the Department, to enable them to participate in the TANF JBSB work program:

- A) vocational rehabilitation;
- B) emergency intervention services;
- C) substance abuse or domestic violence programs;
- D) life skills training activities;
- E) family planning/sex education;
- F) parenting skills; and
- G) family counseling.

2) Child care and transportation at the Department's established rates may be provided to enable TANF JBSB participants to receive ancillary supportive services if they also participate in a TANF employment and work component activity.

3) Regarding emergency intervention services, TANF JBSB staff will refer the participant to the appropriate Local Office for application under the Crisis Assistance Program (see 89 Ill. Adm. Code 116). The need for supportive services shall be discussed with the participant when a review of the participant's Responsibility and Services plan employability plan is made.

(Source: Amended at 21 Ill. Reg. 155.07, effective 1/1/97)

Section 112.83 Teen Parent Services Young Parents Program

a) Teen Parent Services Program assists pregnant or parenting teens age 19 or younger while in below post-secondary education or any age while in high school and who receive assistance under the Temporary Assistance for Needy Families (TANF) program. Teen Parent Services (TPS) helps young persons in school to obtain a high school diploma or equivalent so they can become self-sufficient and move from dependence to independence. The major goal of TPS is to provide case management services that assist pregnant or parenting teens, who are receiving TANF, in a minimum of 20 hours per week of education and/or related

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

activities to enable them to attain a high school or alternative high school diploma, GED certificate. The major objectives of TPS include:

- 1) keeping pregnant or parenting teens in school and progressing toward achieving a high school diploma or GED certificate;
- 2) providing on-site or making referrals to family-centered activities and services to meet personal, physical and social needs;

3) to the extent resources allow, assuring that all of the pregnant or parenting young persons receive parenting skills, child growth and development instruction and health services delivery information;

4) increasing paternities established and support paid by providing information and follow-up on the Child Support Enforcement Program;

5) instilling knowledge and modifying behaviors to enable long term self-reliance and thus breaking the generational cycle of welfare dependence; and

6) developing an individualized Responsibility and Services Plan to move to economic self-sufficiency. Young Parents Program (YPP) and "Program" is a JBSB program for pregnant or parenting recipients under the age of 21 and who meet the criteria of Section 112.70. The program assists participants toward self-support, reduction of unwanted repeat pregnancies and attainment of optimum physical and mental health for themselves and their children. The program offers supportive services; service payments; counseling; instruction; and brokerage to assist participants to attain their goals of education and training; develop job readiness and enhance family management; daily living; family health and personal skills needed for self-sufficiency; participation in the Young Parents Program is considered the same as participation in JBSB.

b) Program Services

1) Teen Parent Services are available statewide. Program services are available for all Cook County residents meeting YPP eligibility requirements except those residing in the areas served by the Southeast, Auburn Park, Roseland and South Suburban local offices. TPS YPP participants are entitled to the same supportive services as TANF employment and work activity JBSB participants as described in Section 112.82. To be eligible to enroll, a person must be pregnant or a parent, under the age of 20, 21 and a recipient of TANF, and not have a high school diploma or GED certificate. Assistance from one of the following programs administered by the Department:

A) Medical Assistance/Grant Programs (MAS);

ii) Refugee/Repatriate Programs (RRA);

iii) Aid to Families with Dependent Children/Regular (AFDC-R);

iii) Aid to Families with Dependent Children/Unemployed

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

Parent--(APBE-U)7--or
iv) General-Assistance--(GA)-
B) Medical---Assistance/No---Grant--Programs---(MANG---Non-spend
down))
ii) Medical-Assistance-to-Families-with-Dependent-Children
{APBE-MANG-EB}7--or
ii) Medical-Assistance---to---Families---with---Dependent
Children/Unemployed-Parent--(APBE-MANG-EB):
A participant who attains age 19 21 may remain in the Program for
advancement completion of the Family Assessment and
Responsibility and Services Plan xpp--service-plans in effect
until on his or her twentieth twenty-first birthday. Upon
completion of the TPS Responsibility and Services Plan service
plan, the participant is transitioned moved to the adult WAF
program DBS (see Sections 112.70 thru 112.82). A participant of
any age who is in high school may remain in TPS while in high
school when classes are in session, or when enrolled and expected
to attend classes following semester break. Upon completion of
high school, the participant may remain in TPS for up to six
months for advancement of the Family Assessment and
Responsibility and Services Plan in effect until his or her
twentieth birthday.

iv) an explanation of the mandatory nature of the program and the reconciliation process including good cause and sanction; and

v) an explanation of the Department's programs including but not limited to the income budgeting process (Work Pays); Child Support Enforcement Program; Child Care Program; and eligibility for Transitional Medical Assistance. Following the orientation session, participants are scheduled to attend a series of three half-day workshops. Each half-day session is conducted on a different day. Workshop participants receive information on and are afforded the opportunity to discuss topics such as birth control, education, training, nutrition, self-support services, parenting, advocacy, community resources, the world of work, self-esteem, and family health care. A self-assessment is completed, and a literacy test is administered.

3) Conduct an assessment of abilities and interests, education and employment history, family health including family planning and a record of children's immunizations that were done or need to be done. During the assessment process, the worker is to obtain or otherwise determine the participant's current literacy level. TPS will develop a Family Assessment and Responsibility and Services Plan for each participant. The plan includes an agreement by the participant to cooperate with paternity establishment and child support enforcement and attend parenting and life skills classes if required. The plan must also include an agreement to not voluntarily quit a job without good cause. The Responsibility and Services plan also establishes the responsibilities of the TPS case manager in helping the participant set up a plan to become self supporting. The TPS case manager provides the participant with the services necessary to allow the teen parent to move toward independence, including, but not limited to: education, employment and training programs, supportive services such as reimbursement for child care and transportation; and help in establishing paternity, getting a support order and collecting child support. Once completed, the plan is to be signed by the teen parent. After the final workshop--an individual interview is conducted or an appointment for an interview is--arranged-----At the--interview---the participant's--interests,--abilities--and--skills--are--reviewed--together--with--the--participant,--goals--and--a--plan--of--self--support--will--be--developed.---the--participant--is--assigned--to--the--appropriate--YBP--component--and--based--on--an--assessment--of--the--participant's--needs--may--be--referred--to--other--appropriate--services--(e.g.,--mental--health--counseling,--drug--or--alcohol--abuse--counseling--and--treatment);

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 4) Conduct workshops and/or activities of interest and concern to participants as determined to be helpful to preparing the pregnant or parenting teen to complete his or her education and obtain employment. These activities include but are not limited to:
 - A) parenting instruction;
 - B) child growth and development classes;
 - C) home and family management instruction;
 - D) decision making skills;
 - E) life skills instruction;
 - F) structured and supervised study time;
 - G) volunteer work and peer tutoring;
 - H) work study; and
 - I) job readiness.
- 5) Offer a case management approach to customer service which includes the use of intervention techniques to eliminate the barriers to ongoing participation and goal attainment by close monitoring and follow-up. The case manager works closely with the teen, his or her family and significant others in the process. The case manager provides counseling and mediation services, advocacy, service referral and role modeling.
- 6) Facilitate health services delivery for pregnant or parenting teens and their children, particularly Early and Periodic Screening, Diagnosis and Treatment (EPSDT); instruction on postponing subsequent pregnancy; health and sexuality education including risk reduction for STD/HIV infection and abstinence; and birth control information. Referral for drug and alcohol abuse prevention, violence prevention, and other health and safety related areas.
- 7) Having ongoing communication with the schools and/or community agencies that serve the teen parents to facilitate coordination of service delivery and school attendance.
- 8) For pregnant or parenting teens, provide assistance in the development of a child care plan and follow-up on referrals for the provision of child care. Referrals may be made to the Child Care Resource and Referral network (CCR & R) or any other customer serving agency in the community or any other source.
- 9) Conduct activities and events, including job fairs, related to employment development and job placement.
- 10) The following on-site or community education activities as needed: tutoring; GED; Adult Basic Education and literacy classes; return-to-school preparation classes; computer assisted literacy lab; computer assisted career exploration; or appropriate alternative.
- 11) On-site or community enrichment and goal directed activities such as: cultural, health, or education fairs; holiday celebrations; and paternal involvement sessions.
- 12) Regular developmental parent-child activities including: on-site

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- family literacy instruction; education field trips; teaching child play and communication; toy making; and parent-child parties.
- 13) Upon completion of the TPS below post-secondary education plan, if the teen is under age 20, he or she may remain in TPS for up to six months from transition into the adult TANF Program. A parent of any age may remain in TPS while enrolled in high school. Upon completion of TPS activity or when otherwise no longer eligible for TPS, the case is transferred to adult TANF employment services.
- d) Assignment to TPS Activities YPP-Component
 - 1) Based on the Family Assessment and Responsibility and Services Plan on the basis of the interviewers assessment of the participants education, training and skills, the participant is assigned to one of the following activities YPP components: Education, Vocational Job-Skills Training, Job Readiness, or Job Search. Participation in each of the TPS activities YPP-components consists of performance of component related activities such as: enrolling in and attending school, English as a Second Language (ESL) instruction, training, or conducting a job search; and/or attending assigned group and/or individual activities. See Section 112.78 for description of program activities and participation requirements.
 - A) Education
 - i) Participants currently in school, those wishing to return to school, and those not in school but in need of remedial schooling (e.g., express a desire for education, cannot read or write) are assigned to the Education component. These participants are assisted in locating facilities or programs suited to their education or training needs.
 - ii) Participants that do not have the necessary English language skills (i.e., lack ability to read, write or speak English) to obtain employment are assigned to the Education component. These participants are assisted in locating facilities or programs that will teach them English. Participants may receive educational services on-site.
 - iii) See Section 112.78(a) for a description of this component, as well as for the participation requirements.
 - B) Job-Skills Training
 - i) Participants with a GED certificate or a high school diploma will be evaluated for assignment to the Job Skills Training component. They will be referred for vocational training programs such as those offered by JVA, the city colleges, and JABS if they meet the requirements of those programs.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- ii) Participants--entering--ypp--without--a--high--school diploma--and--already--enrolled--in--vocational--training will--also--be--required--to--participate--in--GED--classes.
- iii) See--Section--112-70(b)--for--a--description--of--this component--as--well--as--for--the--participation requirements.

e) Job-Readiness

- i) The--Job--Readiness--Component--is--designed--to--enhance--the quality--of--the--individual's--level--of--participation--in the--world--of--work--while--learning--the--necessary essentials--to--obtain--and--maintain--employment--This component--helps--individuals--gain--the--necessary--job finding--skills--to--help--them--find--and--retain--employment that--will--lead--to--economic--independence.

- ii) See--Section--112-70(c)--for--a--description--of--this component--as--well--as--for--the--participation requirements.

B) Job-Search

- i) Participants--in--need--of--intensified--job--search--skills (i.e.,--has--never--sought--or--held--a--job)--or--who--are determined--to--be--job--ready--are--assigned--to--Job--Search, which--offers--group--instruction--individual--counseling and--experiential--learning--to--teach--participants--how--to seek--employment--A--participant--is--determined--to--be job--ready--if--an--assessment--of--the--participant demonstrates--the--educational--background--work experience--and--motivation--necessary--for--entry--into the--job--market--This--assessment--is--done--at--the--end--of the--three--day--workshop--upon--completion--of--a--ypp component--or--following--job--club--activities--Job ready--participants--receive--JBS--services--Participants--will--conduct--an--independent--job--search (JBS)--monitored--by--ypp--workers--Participants conducting--independent--job--search--will--make--five employer--contacts--weekly--and--attend--weekly--JBS--group sessions.

- ii) See--Section--112-70(d)--for--a--description--of--this component--as--well--as--for--the--participation requirements.

- 2) Regardless--of--component--assignment--Participants--lacking--such skills--as--parenting--home--management--daily--living--problem solving--or--socialization--will--receive--personal--skill--development as--part--of--their--component--assignment--This--activity--consists--of Parent--Training/Enrichment--sessions--a--series--of--group instruction--seminars--and--experiential--learning--activities--and/or intensive--counseling.

e) Post-Secondary-Education

- See--Section--112-70(h)--for--a--description--of--this--component--as--well--as

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- f) for--the--participation--requirements--Self--initiated--Education

See--Section--112-70(i)--for--a--description--of--this--component--as--well--as for--the--participation--requirements.

- 2) If a need for services other than or in addition to TPS YPP services is determined, the participant will be assisted in obtaining necessary services or will be referred to the appropriate provider.

- h) Every--three--months--or--more--frequently--depending--on--the--existence--of circumstances--that--would--affect--placement--in--a--component--or participation--in--the--program--the--TPS--ypp--worker--shall--reassess the plan and determine whether to continue, revise or terminate the participant's Responsibility and Services Plan employability plan and/or activity component assignment.

- 3) Every six months or more frequently, depending on the existence of circumstances that would affect placement in a component or participation in the program, the TPS YPP worker shall reassess the plan and determine whether to continue, revise or terminate the participant's Responsibility and Services Plan employability plan and/or activity component assignment.

- 4) If the Responsibility and Services Plan employability plan and/or assigned activity component are not suited to a participant's needs, the employability plan shall be revised with input from the participant and the TPS YPP worker and, if necessary, the participant shall be assigned to a more suitable activity component.

k) Other-Considerations

- i) If the participant is under age 21 and completes the requirements of an employability plan and/or component, the employability plan may be revised and, if necessary, the participant may be assigned to a different component.

- 2) If the participant reaches age 21 but has not yet attained his/her goal, he/she may remain an active YPP participant until completion of the goal.

e) Teen Parent Services Young-Parents-Program Sanction

See Section 112.79 for TANF sanction rules The Department's policy on sanctions for failure to cooperate with Teen Parent Services Young Parents Program requirements.

- f) Good Cause cause for Failure failure to Comply comply with Teen Parent Services Young-Parents-Program Participation Requirements requirements

See Section 112.80 for the Department's policy on good cause rules for failure to comply with Teen Parent Services Young-Parents-Program participation requirements.

g) Termination of TPS YPP Cases

- TPS YPP cases shall be terminated for any of the following reasons:
1) the participant no longer receives assistance through TANF a--ypp eligible public assistance program (see subsection (b)(1) above);

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) the participant completes high school and is age 20 or older or completes other below post-secondary education and is age 20. the participant is age 31 or over and completes all ypp plans;
- 3) the participant who is a volunteer and is exempt from participation requests ypp case cancellation;
- 4) the participant obtains full-time employment and remains employed for six consecutive months;
- 5) the participant who is a volunteer and is exempt from participation effects to enroll in a program providing services similar to those offered by ypp (e.g., Parents Too Soon, Project Match);
- 6) for a period of three consecutive months, the participant who is a volunteer and is exempt from participation fails without good cause to engage in the activity or level of activity agreed upon in the ypp employability plan;
- 7) the participant moves from Cook County or a move within Cook County causes participation not to be convenient; (in such an instance, the ypp case is transferred to the appropriate JABS office); or
- 8) when a participant's status changes to exempt and he/she does not wish to volunteer for ypp services.
- h) Reconciliation Conciliation and Fair Hearings
- See Section 112.77 for Reconciliation the Department's policy on Conciliation and Fair Hearings rules.
- i) TANF Supportive Services Expenses
- In order to enable TPS ypp participants to engage in TPS ypp approved activities or to provide access to services for the treatment of physical, mental and/or substance abuse related problems for themselves and/or their children, payment requests for certain education or training expenses, initial employment/job retention expenses, job search allowance child care and/or transportation costs may be approved by TPS ypp workers. (See Section 112.82.) ypp shall not duplicate payments made by other programs in which the client is participating, such as JABS or JTPA.
- i) Job Search participants will receive a weekly transportation allowance in bus tokens. The first week's tokens will be issued in advance. Subsequent issuances will be made if the participant provides names and telephone number of five employers contacted each week;
- 2) transportation expenses for participation in other ypp components will be paid in advance of the first two weeks of scheduled participation. At the end of the month, the participant must verify his/her attendance at the scheduled sessions using a record provided by the educational or training institution or a ypp form verifying the participant's attendance. The ypp participant will be reimbursed for the least expensive available means of transportation;
- 3) transportation expenses to provide access to services for the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- treatment of physical, mental, and/or substance abuse-related problems for ypp participants themselves and/or their children shall be approved by ypp workers;
- 4) ypp workers shall approve initial employment expenses necessary to enable a participant to accept employment;
- 5) Education and training expenses such as books, supplies, and mandatory education fees for participants of the education/vocational training and the ESB components shall be approved by ypp workers;
- 6) in order to enable ypp participants to participate in any ypp approved activity except for employment, child care expenses will be provided;
- i) Family Assessment and Responsibility and Services Plan
- 1) A young parent, who is required to participate in the Teen Parent Services (TPS) Program, must complete the Family Assessment and Responsibility and Services Plan. The plan is completed as part of the Family Assessment.
- 2) The Family Assessment and Responsibility and Services Plan defines the responsibilities the young parent must meet to receive TANF cash assistance and what services the Department agrees to provide. The plan outlines family needs, the required activities and necessary supportive services. The plan must be signed by both the young parent and the TPS case manager. The plan sets the following goals for the young parent and describes how the Department will help the young parent to meet these goals:
- A) attend school to complete a high school education;
- B) establish paternity for the young parent's child or children and obtain child support;
- C) improve the young parent's parenting skills; and
- D) seek and obtain full-time employment.
- 3) Completion of the Family Assessment and Responsibility and Services Plan is a TANF employment and work-activity requirement for TPS participants. Failure to cooperate in completing the plan shall result in a sanction as described in Section 112.79. If reconciliation is not successful, unless the participant has a child 12 weeks of age or younger.

(Source: Amended 21 Ill. Reg. effective NOV 26 1997)

Section 112.84 Work Experience Evaluation Project (Repealed)

- a) In Cook County, the Manpower Demonstration Research Corporation (MDRC) will conduct a research project to evaluate the net effect of the Illinois Work Experience component of JABS. This project will differ from the program described in Section 112.78(f) in that at the beginning of JABS orientation (described in Section 112.76) new JABS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- mandatory registrants will be randomly assigned to an experimental or control group by a computer program.
- b) Both experimental and control groups will receive the full range of DBBS services, however, only the experimental group will be considered for participation with work experience.
- c) APPEU clients, DBBS volunteers, existing DBBS nonexempt participants in Cook County, and all new and existing downstate DBBS nonexempt participants are exempt from the evaluation project.

(Source: Repealed at 21 Ill. Reg. 155.07, effective 11/1/85)

Section 112.85 Four Year College/Vocational Training Demonstration Project (Repealed)

- a) In the four-year college/vocational training demonstration project, the department provides information, referral, counseling, services, and supportive services to increase clients' long-term employment potential. Clients are notified by mail twice a year of the demonstration project and are advised to make application with DBBS staff within 30 days of the notice.
- b) Entry into the component
- 1) The assignment into the four-year college/vocational training demonstration project is based on approval by the department. The department's approval shall be based on:
- 2) the need to ensure a statewide geographical distribution of participants in the demonstration project.
- c) Eligibility Criteria
- In order to be eligible for the demonstration project, the following criteria must be satisfied:
- 1) The client possesses a high school diploma or GED certificate.
- 2) The program selected makes the client employable (see Section 112.78(a)(2)). Consideration shall be given to the time required to complete the program, as well as the overall cost and quality of the program.
- 3) The client must be enrolled in post-secondary education for which jobs will be available upon completion of training as determined by Job Service and/or other documented and reliable sources (e.g., Horizon, Department of Commerce and Community Affairs and/or the placement officer at an educational institution or facility).
- 4) The client has the aptitude, ability and interest necessary for success in the particular educational or training program (as determined by such factors as test results, educational background and previous training).
- 5) The program is administered by an educational institution accredited by ISBE or the department of registration and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- Education:
- 6) The client must apply for the Pell grant and scholarships from the Illinois State Scholarship Commission, as well as any scholarships or grants identified by the education or training facility for which the registrant may be eligible.
- 7) The client must be enrolled in a full-time program unless:
- A) a full-time program is not readily available or (e.g., a full-time GED program is not available); or
- B) a part-time program is more appropriate (e.g., the client only needs a four-hour course to complete his/her educational or training program).
- d) Participation Requirements
- 1) The client shall maintain a level of satisfactory attendance and progress as established and reported by the educational facility.
- 2) The client shall provide verification of attendance and progress (e.g., statements signed by the instructor, educational records and reports prepared at the end of the term). Additionally, if the Department is paying for child care and/or transportation to enable the client to participate in the four-year college/vocational training demonstration project, the client must provide monthly verification of his attendance.
- 3) Curriculum changes can be made only with the prior written approval of the DBBS worker. Prior approval will be granted when the curriculum change is consistent with the written goal of the training program.
- e) Participants in the demonstration project will be eligible for the same supportive services accorded to clients in other education/training activities of the pre-employment component of DBBS (as identified at Section 112.82):
- f) Reassessment
- The DBBS worker shall contact clients on a monthly basis if the supportive payments identified in Section 112.82 are issued. Clients not requiring supportive service payments or receiving these payments from another source shall be contacted once each semester. Client contact consists of attendance reports, progress reports, group or individual sessions, on-site program visits, and written correspondence.

(Source: Repealed at 21 Ill. Reg. 155.07, effective 11/1/85)

SUBPART E: PROJECT ADVANCE

Section 112.86 Project Advance (Repealed)

- a) Project Advance is a four-year demonstration program of experimental design, operated by the Department. The purpose of the demonstration program is to determine if mandatory participation in a program

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

providing employment, personal and family management skills, and job development services for pregnant or parenting APBE recipients under age 20 will measurably reduce the length of time on APBE.

- b) Teenage APBE-R females are eligible for selection in Project Advance. The Department will select APBE-R female recipients under age twenty (20) who:

- 1) are childless and pregnant; or
- 2) have only one child and are not pregnant at the time of selection; and
- 3) reside in the area served by the South Suburban Cook County Southern Suburbs south of 87th Street, Auburn Park (Chicago zip code areas 60659, 60619, and 60620), Roseland (Chicago zip code areas 60627, 60629, 60642, 60643, and 60655) or Southeast (Chicago zip code areas 60617, 60633, and 60649) public aid offices in Cook County, Illinois.

(Source: Repealed at 21 Ill. Reg. 155.00, effective 11-24-92)

Section 112.87 Project Advance Experimental and Control Groups (Repealed)

- a) The individuals selected pursuant to Section 112.86(b) must attend a call in meeting where they will be given a literary test and intake information is gathered. Individuals are sent a written notice advising of the scheduled call in meeting at least seven (7) calendar days prior to such meeting. Immediately following the call in meeting, they will be randomly assigned by computer to one of the following groups:

- 1) an experimental group. The experimental group consists of those individuals who must comply with the requirements of Sections 112.88 and 112.89; or
 - 2) a control group. The control group consists of those individuals who meet the criteria of Section 112.86(b) but are not allowed to comply with the requirements of Sections 112.88 and 112.89.
- b) Attendance at the call in meeting and cooperation with the testing and intake process referenced in subsection (4) above is mandatory for both experimental and control group members and those individuals who fail to cooperate with these requirements, without good cause, will be sanctioned pursuant to Section 112.90.

- c) As long as Project Advance is in effect, a person designated as an experimental or control group member retains that designation even if that person leaves the welfare rolls or project area and subsequently returns to the area served by Project Advance.

- d) Participation in Project Advance is mandatory for all persons who are eligible as described in Section 112.86(b). Regardless of age, participation is mandatory for any male who is the adjudicated father of a child of an experimental group participant and who receives assistance under the Department's APBE or General Assistance programs.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

If the adjudicated father is not a recipient of APBE or General Assistance, Project Advance services are available to the adjudicated father; however, participation in Project Advance is not mandatory. To preserve the experimental design, Project Advance enrollment is limited to only experimental group members and the adjudicated fathers of their children.

(Source: Repealed at 21 Ill. Reg. 155.00, effective 11-24-92)

Section 112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers (Repealed)

- a) Individuals assigned to the "experimental group and adjudicated fathers" thereafter referred to as "enrolled participants" must attend a scheduled Project Advance Orientation session. The Orientation session consists of Project Advance staff providing enrolled participants with an overview of Project Advance, informing them of Project Advance requirements, distributing a copy of the Project Advance handbook and explaining its content.
- b) At the Orientation session, enrolled participants are given a written notice advising that the following week they are scheduled to attend a series of three (3) half-day workshops. Each half-day session is conducted on a different day. At the workshops, enrolled participants receive information on and are afforded the opportunity to discuss topics such as family planning, nutrition, parenting, community resources, the world of work, self-esteem and family health care.
- c) Enrolled participants must attend the Orientation meeting and all of the three (3) half-day workshops referenced in subsection (b) above or notify Project Advance of good cause to be excused and have their Orientation meeting or workshop rescheduled (see Section 112.91). If an enrolled participant fails to attend an Orientation meeting or a workshop on two separate occasions, without good cause, he/she will be sanctioned pursuant to Section 112.90.

- d) After the final workshop, an individual interview is conducted or an appointment for an interview is arranged. At the interview, Project Advance staff will assess the enrolled participant's background, education, level of work history, as well as factors affecting employability or ability to meet participation requirements (e.g., health, physical or mental limitations, family problems, goals and interests, skills, abilities, and needs of each enrolled participant) and based upon that assessment, jointly develop a service plan. Based on that service plan, enrolled participants will be assigned to one or more of the following components:

1) Life Skills

Enrolled participants lacking skills such as parenting, home management, daily living, problem solving or socialization skills are assigned to the Life Skills Component. Enrolled participants

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

assigned--to--this--component--must--attend--seminars--meetings--and
counseling--sessions--related--to--parenting--and--daily--living.
Additionally--based--upon--needs--identified--during--the--development
of--the--service--plan--the--enrolled--participant--may--be--referred--to
other--appropriate--services--(e.g.--mental--health--counseling--drug
or--alcohol--abuse--counseling--and--treatment)--if--the--enrolled
participant--is--referred--for--services--he/she--must--accept--those
services--and--cooperate--as--required--by--the--service--facility--to
avoid--sanction--(see--Section--112-90).

2) Education

Enrolled--participants--currently--in--school--those--wishing--to
return--to--school--and--those--not--in--school--but--in--need--of--remedial
schooling--(e.g.--express--a--desire--for--education--cannot--read--or
write--or--are--functionally--illiterate)--are--assigned--to--the
Education--Component--Enrolled--participants--assigned--to--this
component--may--be--referred--to--testing--counseling--educational
resources--and--to--programs--suited--to--their--educational--needs--if
an--enrolled--participant--is--referred--to--testing--counseling--and
educational--resources--he/she--must--accept--those--services--and
cooperate--as--required--by--the--service--facility--to--avoid--sanction
(see--Section--112-90).--Enrolled--participants--assigned--to--this
component--must--participate--in--a--full--time--educational--program
unless--a--full--time--program--is--not--readily--available--(e.g.--a
full--time--GED--program--is--not--available)--or--a--part--time--program--is
the--most--appropriate--(e.g.--the--enrolled--participant--only--needs--a
four--hour--course--to--complete--his/her--education).--Curriculum
changes--can--be--made--only--with--the--prior--written--approval--of--the
Project--Advance--worker--Prior--approval--will--be--granted--when--the
curriculum--change--is--consistent--with--the--goals--of--the--service
plan--Verification--of--attendance--and--progress--must--be--provided
(i.e.--by--statements--signed--by--the--instructor--educational
records--and--reports--prepared--at--the--end--of--the--term).

3) Vocational Training

Enrolled--participants--who--are--determined--not--readily--employable
with--their--current--skills--or--employed--and--in--need--of--further
training--are--assigned--to--the--Vocational--Training--Component.
Enrolled--participants--in--this--component--may--be--referred--to
testing--counseling--and--vocational--training--programs--such--as
those--offered--by--Job--Training--Partnership--Act--(JTPA)--(29-U.S.C.
1501-et--seq.)--and--city--colleges--if--they--meet--the--requirements--of
those--programs.--Enrolled--participants--must--cooperate--as--required
by--the--vocational--training--program--to--avoid--sanction--(see--Section
112-90).--Verification--of--attendance--and--progress--must--be
provided--(i.e.--by--statements--signed--by--the--instructor--
educational--records--and--reports--prepared--at--the--end--of--the--term).

4) Employment

Enrolled--participants--who--are--determined--to--be--employable--but--who
are--in--need--of--intensified--job--search--skills--(i.e.--has--never

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

sought--or--held--a--job--or--in--the--nature--and--length--of--time--on--the
job--provided--little--work--experience--or--who--are--determined--to
need--orientation--to--work--work--experience--or--on--the--job--training
in--order--to--prevent--deterioration--of--or--to--enhance--existing
skills--(i.e.--get--a--better--job--are--assigned--to--the--Employment
Component).--Enrolled--participants--assigned--to--this--component
attend--Project--Advance's--Job--Club--and--work--assignments.
Additionally--enrolled--participant--are--asked--to--actively--contact
employers--in--their--efforts--to--secure--employment--if--assigned--to
Project--Advance's--Job--Club--enrolled--participants--must--cooperate
with--that--Job--Club--to--avoid--sanction--(see--Section--112-90).--If
referred--to--a--work--assignment--enrolled--participants--are--required
to--report--as--scheduled--and--on--time--to--their--work--assignment.
When--they--cannot--report--to--their--work--assignment--or--they--will--be
late--they--must--immediately--notify--their--work--assignment--sponsor.
If--referred--to--job--search--enrolled--participants--will--conduct
independent--job--search--(see--Section--112-90(a)).

2) If--a--need--for--services--other--than--or--in--addition--to--Project--Advance
services--is--determined--the--enrolled--participant--will--be--assisted--in
obtaining--necessary--services--or--will--be--referred--to--the--appropriate
provider.
3) Every--three--(3)--months--or--more--frequently--depending--on--the--enrolled
participant's--circumstances--the--Project--Advance--worker--shall--make
personal--contact--with--the--enrolled--participant--to--review--that--enrolled
participant's--service--plan--in--relation--to--his/her--needs--circumstances
and--progress.
4) Every--six--(6)--months--or--more--frequently--depending--upon--the--enrolled
participant's--progress--and--circumstances--the--Project--Advance--worker
shall--determine--whether--to--continue--or--revise--the--enrolled
participant's--service--plan--and/or--component--assignment.
5) If--the--service--plan--and/or--assigned--component--are--not--suited--to--an
enrolled--participant's--needs--the--service--plan--shall--be--revised--with
input--from--the--enrolled--participant--and--the--Project--Advance--worker
and--if--necessary--the--enrolled--participant--shall--be--assigned--to--a
more--suitable--component.

(Source: Repealed, at 21 Ill. Reg. _____, effective
(Source: Repealed, at 21 Ill. Reg. _____)

Section 112.89 Project Advance Cooperation Requirements of Experimental Group
Members and Adjudicated Fathers (Repealed)

Enrolled--participants--are--required--to--cooperate--with--Project--Advance--by:
a) Cooperating--with--Project--Advance--Cooperation--with--Project--Advance--is
defined--as--providing--requested--information--about--the--enrolled
participant's--education--level--work--history--as--well--as--any--factor
affecting--employability--or--ability--to--meet--participation--requirements
(e.g.--health--physical--or--mental--limitations--family--problems).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

providing complete and accurate information and verifications--(e-g-7 school attendance--day care--and--transportation)--in--response--to requests--from--Project--Advance--staff--appearing--for--scheduled--meetings (e-g-7--Orientation--the--three--(3)--half--day--workshops--Life--Skill seminars)--and--complying--with--the--requirements--of--the--Project--Advance components--identified--in--Section--112-08. While it is not a cooperation requirement--enrolled participants are encouraged to make job--contacts--while--in--the--Employment--Component (see--Section--112-08 (d)(4)).

b) Responding to a job referral of suitable employment (i.e., a written statement referring an enrolled participant to an employer for a specific position);

c) Accepting a bona fide offer of suitable employment. An enrolled participant must be given the opportunity to explain why an offer of employment was not accepted. A bona fide offer of suitable employment is where:

1) there was a definite offer of employment substantiated by written confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community based on information obtained from the Department of Employment Security; and

2) there are no questions as to the enrolled participant's inability to engage in such employment for physical reasons or because he/she has no way to get to or from the particular job; and

3) there are no questions of working conditions such as risks to health or safety or lack of worker's compensation protection.

d) Suitable employment must meet the following criteria:

1) Wages offered must be at least:

A) the Federal minimum wage;

B) the State minimum wage; or

C) \$3.35/hour (if neither the Federal nor State minimum wage is applicable);

2) If the wages are offered on a piece rate basis, the amount the enrolled participant can reasonably be expected to earn must equal the wages as outlined in Section 112-72.17(4)(b);

3) The enrolled participant may not be required as a condition of employment to join, resign from, or refrain from joining any legitimate labor organization;

4) Where there is no unreasonable degree of risk to the enrolled participant's health and safety;

5) The enrolled participant is physically and mentally competent to perform the work;

6) The employment must be within reasonable distance of the enrolled participant's residence. Commuting time must not represent more than 25% of the enrolled participant's total time on the job; e.g., no more than two (2) hours commuting time for an eight (8) hour work day.

e) Enrolled participants who are part-time employed as defined in

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 112-64(d)(1) must:

- 1) continue their part-time employment as defined in Section 112-64(d)(1); and
- 2) not reduce their employment (i.e., voluntarily reducing work hours);

(Source: Repealed at 21 Ill. Reg. 15597, effective NOV 26 1997)

Section 112.90 Project Advance Sanctions (Repealed)

a) The cash assistance for those enrolled participants and control group members who are eligible for Project Advance who without good cause (see Section 112-91) fail to comply with participation/cooperation requirements and/or participation in a service plan will be sanctioned for a period of not less than one (1) month. An enrolled participant or control group member remain sanctioned until cooperation is demonstrated. An enrolled participant or control group member must demonstrate cooperation by complying with the stated requirements (e.g., keeping an appointment attending classes). Sanctions apply to APBC-R mothers and adjudicated welfare fathers. Sanction is the forfeit of cash assistance for APBC cases and cash and medical assistance for General Assistance cases (see 89 Ill. Adm. Code 114.111).

b) In accordance with 89 Ill. Adm. Code 103-70, a ten (10) day notice of change shall be sent to the enrolled participant or control group member prior to administering sanction. The sanction period begins on the first day of the payment month immediately following the expiration date of the ten (10) day notice of change and remains in effect at least on (1) month and until the sanctioned enrolled participant or control group member demonstrates compliance with program requirements. Reinstatement of the sanctioned enrolled participant or control group member's benefits shall occur for the payment month immediately following the end of the demonstrated compliance (i.e., the payment month following the month that cooperation is demonstrated). The sanctioned enrolled participant or control group member will be determined to have cooperated if he/she complies with the requirement (see Sections 112-07 thru 112-09) that he/she previously failed/refused to meet.

c) Sanctioning

1) Sanctioning will result from one (1) instance of any of the following (applicable only to enrolled participants):

- A) a direct written or verbal refusal by the enrolled participant to participate in the program or activities assigned as part of the agreed upon service plan;
- B) missing during a four-week period more than two days of employment; education; training; or other activity assigned as part of the service plan.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- E) refusing to accept a bona fide offer of suitable employment (see Section 112.89 (b) and (c));
- B) voluntarily terminating employment or enrollment in an education, training or other activity assigned as part of a service plan;
- B) failing to, within seven (7) days from the date of the occurrence, notify Project Advance that participation in employment, training, education or other activity assigned as part of a service plan has been terminated;
- F) failing to, by the end of the second response date indicated, respond as instructed to written first and second notices sent, left of given by Project Advance to the enrolled participant;
- G) failing to, by the end of the seventh (7) day after the date of written request, provide accurate and complete information, documentation and/or verification to the Project Advance worker;
- H) fraudulent application for receipt or use of Project Advance social services payments;
- I) failure to comply with the cooperation and participation requirements listed in Sections 112.87 and 112.88; or
- J) failure/refusal to accept child care, transportation, family counseling or other applicable only to enrolled participants, social services or employment and training services such as testing or employment counseling without good cause, thereby precluding or interrupting participation or progress in Project Advance; or
- K) failure to cooperate with the cooperation and participation requirements listed in Sections 112.88 and 112.89.
- 2) Sanctioning will result from two of the following instances of non-cooperation with Project Advance:
- A) failure/refusal to attend the call in meeting reference in Section 112.87 (applicable to enrolled participants and control group members);
- B) failure/refusal to attend the orientation meeting reference in Section 112.88;
- C) failure/refusal to attend the workshop(s) reference in Section 112.88 (applicable only to enrolled participants).

(Source: Repealed 9 at 21 Ill. Reg. 15597, effective 11/2/97)

Section 112.91 Good Cause for Failure to Comply with Project Advance (Repealed)

- a) If an enrolled participant has good cause for not complying with Project Advance cooperation and participation requirements (see Sections 112.88 and 112.89), financial assistance shall not be

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- discontinued. Examples of good cause include but are not limited to:
- 1) death in the immediate family;
- 2) illness or incapacity;
- 3) court required appearance or temporary incarceration;
- 4) breakdown in child care arrangements;
- 5) unavailability of otherwise suitable child care;
- 6) breakdown in transportation or lack of reasonably available transportation;
- 7) sudden and unexpected emergency;
- 8) family crisis;
- 9) inclement weather; or
- 10) an enrolled participant is fired or is forced to terminate employment, education, vocational training or another assigned activity. In this situation, Project Advance staff shall review the cause for termination to determine if good cause exists or if sanction is warranted.
- b) The Project Advance worker will not require an enrolled participant or control group member to document good cause for noncooperation with Project Advance requirements unless evidence independent of the explanation of good cause casts doubt on the enrolled participant's or control group member's explanation.
- c) No enrolled participant or control group member shall be denied good cause solely on the basis that he/she failed to notify the Department in advance of a participation requirement.
- d) In accordance with 89 Ill. Adm. Code 1607 Support Enforcement Program staff will administer sanctions for persons failing to cooperate with title IV-B child support enforcement requirements.

(Source: Repealed at 21 Ill. Reg. 15597, effective 11/2/97)

Section 112.93 Individuals Exempt From Project Advance (Repealed)

- An enrolled participant may be granted exemption from participation in Project Advance if that enrolled participant:
- a) has a temporary or chronic illness (see Section 112.71(a)(2));
- b) is residing in a location which is so remote from the Project Advance office or service location that the individual cannot effectively participate in the Project (see Section 112.71(a)(3));
- c) provides full time care required by another household member;
- d) is employed 30 hours or more per week in unsubsidized employment (unsubsidized employment is defined at Section 112.71(a)(8)) or is enrolled full time as a volunteer in service to America (VISA) volunteer under title I of the 1973 Domestic Volunteer Services Act (42 U.S.C. 4951 et seq.) and is receiving public assistance at the time the individual joined VISA;

(Source: Repealed at 21 Ill. Reg. 15597, effective 11/2/97)

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

Section 112.95 Project Advance Supportive Services (Repealed)

Project Advance will provide social services, payments, to assist enrolled participants with costs for child care, transportation and supplies needed for participation in activities approved within the service plan, such as a school vocational training or job search (see Section 112.82).

(Source: Repealed at 21 Ill. Reg. 112.95, effective 10/1/97)

SUBPART F: EXCHANGE PROGRAM

Section 112.98 Exchange Program (Repealed)

a) The Exchange Program develops employment opportunities for APBG recipients by paying wage subsidies to employers who hire program participants. The program is funded by diverting the cash grant an individual would receive if not employed and using the diverted grant to pay a wage subsidy to the employer who hires the recipient. The goal of the Exchange Program is to obtain jobs for APBG recipients who might not be hired without a subsidy.

b) Eligible Participants

1) APBG mandatory and volunteer participants in JOBS (see Sections 112.70 through 112.82) who meet the selection criteria listed in subsection (b)(2) below are eligible to participate in the Exchange Program. Participation in the program is voluntary. An APBG recipient who wants to participate in the Exchange Program must agree to all provisions in this Section during the time of participation in the program.

2) In order to place special emphasis on people who would not be likely to obtain a job without work supplementation, APBG recipients must meet the following criteria for selection to participate in the Exchange Program:

A) The recipient must be the parent of at least one of the children in the APBG unit.

B) The recipient must have completed the JOBS Intensive Job Search component (see Section 112.78(a)) have had a full assessment pursuant to Section 112.74, and been determined eligible to participate in other JOBS components (see Section 112.70).

C) The recipient must have no income other than APBG benefits. The recipient must be recommended for participation by the JOBS worker. The JOBS worker will recommend for participation in the Exchange Program those project chance participants who, based on their assessment under Section 112.74, are likely to encounter difficulty in obtaining

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

employment (e.g., lack of skills for which jobs are available in the area, lack of work history).

3) Nothing in this Section should be construed as providing any recipient the right to participate in the program.

4) Nothing in this Section shall be construed as requiring the Department or any contractor to provide employee status to any eligible individual to whom it provides a job position under the Exchange Program or with respect to whom it provides all or part of the wages paid to such individual by another entity under such program (42 U.S.C. 1614(e)).

5) Nothing in this Section shall be construed as requiring the Department to provide that eligible individuals filling job positions provided by contractors under the Exchange Program be provided employee status by such entity during the first 13 weeks during which they fill such position (42 U.S.C. 1614(f)(2)).

c) Benefits and Reporting Requirements while Participating in the Exchange Program

1) Participants in the Exchange Program are considered to be APBG recipients and remain eligible for Medical Assistance for the duration of their Exchange Program participation. Child care expenses will be provided through JOBS while the participant is employed in an Exchange Program job.

2) The participant must agree to accept wages from employment which will be at least an amount which would be earned by working full time at the prevailing minimum wage, less applicable payroll taxes in lieu of the cash grant.

3) Participants are not required to file monthly reports as a requirement for continuing eligibility. Changes in income from sources other than the Exchange Program job and/or circumstances must still be reported within five days of occurrence pursuant to 89 Ill. Adm. Code 102.50.

4) Wages paid under an Exchange Program shall be considered to be earned income for purposes of any provision of law (42 U.S.C. 1614(e)(3)).

d) Duration of Program Participation

1) Participants may not exceed a total of nine months in the Exchange Program subsidised placements regardless of the number of times an individual becomes an APBG recipient. The period of a single assignment is dependent upon the terms of the Exchange Program contract which has been developed with the employer. Recipients will be informed of the length of the Exchange Program subsidy period prior to placement.

2) Participants who fail to cooperate with JOBS program requirements (as defined in Section 112.72) or leave a supported work position without good cause (as defined in Section 112.80) are removed from the Exchange Program and become ineligible to participate in the Exchange Program at any future time. Persons who become ineligible for the Exchange Program are not sanctioned due to

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Exchange-Program-ineligibility-

e) Contracts-with-Employers
 1) Employees--that--participate--in--the-Exchange-Program--must--enter into-a-written-contract-with-the-Department--prior--to--receiving referrals-under-the-Exchange-Program-

2) Employees--must--be--in--good-standing--(i.e.,--in-compliance-with-all applicable-federal-,State-,county-and-local-laws--regulations and--ordinances)--with--the--Illinois--Department-of-Revenue--the Secretary-of-State--and--any--and--all--regulatory-agencies--which--have Jurisdiction-over-their-activities-

f) Calculation-of-the-Diverted-Grants

1) The-level-of-grant-to-be-diverted-is-determined-on-a--prospective basis--when-a-work-assignment-under-the-Exchange-Program-is-made- the-effective-date-of-the-diverted-grant-is-the-first-day-of--the first-full-month-of-Exchange-Program-wages-

2) Exchange-Program-participants--are--not--eligible--for--the--disregards to-earned-income-provided-in-Sections--112-141--and--112-143-

3) Participants--grants--are--frozen--beginning-with-the-first-full budget-month--which--corresponds--to--the--first--full--month--of Exchange--Program--wages--The-grant-amount--to--which--the participant-would--otherwise--be--entitled--is--diverted--and--used--in whole--or--in-part--to--pay--a--wage--subsidy--to--the--employer-

4) At--the--conclusion--of--the-Exchange-Program-period--participants will-have-their-grants--determined--using--prospective--budgeting until--the--first--budget-month--following--placement--which--does--not include--income--earned--while--participating--in--the--supported placement-

g) Program-Completion

1) If--the-participant--continues--employment--after--the--Exchange--Program period--the--grant--is--determined--using--prospective--budgeting--for--two full-months--following--termination--of--the-Exchange--Program--placement after-which-retrospective-budgeting-is-used--if--the-participant-is--no longer-eligible--for-APPE-benefits--after--the-Exchange-Program-period--a determination--of--continued-medical-eligibility--shall--be--made--in accordance-with-Sections--112-330--and--112-332-

(Source: Repealed at 21 Ill. Reg. 15507, effective NOV 26 1997)

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section 112.101 Unearned Income of Stepparent or Parent

a) In determining eligibility and level of assistance, the following shall be considered:

- 1) the unearned income of a stepparent of a ~~an~~-APPE child if the stepparent lives with the assistance unit and-is-not-an-SSI recipient;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

2) the unearned income of a parent of a person under age 18 who is receiving assistance as a parent or dependent child if they are all living in the same household. ~~this-provision-does-not-apply if-the-parent-receives-SSI-~~

b) The amount of the total available income of the stepparent or parent under subsection (a) above shall be the income remaining after the following amounts have been deducted:

1) an amount equal to the federal poverty level, as defined in Section 112.155(b), ~~Department's-standard-of-need~~ for a family size taking into account the needs of the stepparent or parent and the needs of individuals residing with the stepparent or parent not included in the assistance unit whom the stepparent or parent claims as federal tax dependents;

2) court ordered support obligations of the stepparent or parent; or
 3) amounts paid by the stepparent or parent to individuals outside the home whom the stepparent or parent claims as federal tax dependents.

(Source: Amended at 21 Ill. Reg. 15507, effective NOV 26 1997)

Section 112.110 Exempt Unearned Income

a) The following unearned income from governmental sources shall be exempt from consideration in determining eligibility and the level of assistance payment:

- 1) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));
- 2) The value of the U.S. Department of Agriculture donated foods (surplus commodities);
- 3) Any payment received under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4636);
- 4) Any funds distributed per capita to or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134, P.L. 94-114 or P.L. 94-540;
- 5) Any benefits received under Title VII, Nutrition Program for the Elderly, of the Older Americans Act of 1965, as amended (42 U.S.C. 3045 et seq.);
- 6) Any compensation provided to individual volunteers under the Volunteers in Service to America (VISTA) Program (known as AmeriCorps VISTA). Payments made under AmeriCorps State/National programs, funded under the National and Community Service Act of 1993, are not exempt. Stipends or living allowance payments made under this program are considered nonexempt earned income. These payments are subject to the general rules concerning the budgeting of earned income;
- 7) Income received under the provisions of Section 4(c) of the Senior Citizens and Disabled Persons Property Tax Relief and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- Pharmaceutical Assistance Act [320 ILCS 25/4]. This includes both the benefits commonly known as the circuit breaker and additional grants;
- 8) Payments for supporting services or reimbursement for out-of-pocket expenses made to volunteers serving as senior health aides, senior companions, foster grandparents, and persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under Titles II and III, pursuant to Section 418 of P.L. 93-113;
- 9) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Jobs Training Partnership Act;
- 10) Social Security death benefit expended on a funeral and/or burial;
- 11) The value of supplemental food assistance received under the Child Nutrition Act of 1966, as amended (42 U.S.C 1780(b)) and the special food service program for children under the National School Lunch Act, as amended (42 U.S.C 1760);
- 12) Tax exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C 1626);
- 13) Payments received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C 1989b through 1989b-8);
- 14) Payments received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C 1989c through 1989c-8);
- 15) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump-sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201;
- 16) Payments received under the federal Radiation Exposure Compensation Act (42 U.S.C. 2210 nt);
- 17) Federal subsidized housing payments under Section 8 of the Housing and Community Development Act (42 U.S.C. 1437f);
- 18) Any adoption subsidy payment or foster care payment received from DCFS or from a state welfare agency of another state are exempt for MAG and MANG. Independent Living Arrangement Payments are not exempt for MAG and MANG;
- 19) Supportive Service payments made-by-the-job-opportunities-and-Basic-Skills-Training-(f085)-Program-to-any-f085-participant (Section 112.82);
- 20) Benefits paid to eligible households under the Low Income Home Energy Assistance Act of 1981 pursuant to Section 2605(f) of P.L. 97-35;
- 21) Disaster relief payments provided by federal, state or local government or a disaster assistance organization;
- 22) Any payment provided by the Department of Human Services Mental Health-and-Developmental-Disabilities-(BMHDP) under the Family

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- Assistance Program for Mentally Disabled Children under P.A. 86-921;
- 23) GA Emergency Financial Assistance issued through vendor payment. These payments can only be issued once in a twelve-month period to persons who do not currently receive TANF APBE cash assistance;
- 24) A nonrecurring non-recurring lump-sum temp-sum SSI or SSA payment (for-exempt-feeby-payment) made to an individual in a TANF or APBE assistance unit. The nonrecurring SSA lump sum is exempt if it is based on disability. The monthly amount, up to the monthly SSI level for one, is exempt. For those individuals not in a TANF or APBE assistance unit whose income is used to determine TANF APBE eligibility for others (for example, stepparents, parents), the lump-sum temp-sum payment is nonexempt income for the month received;
- 25) Payments made to individuals because of their status as victims of Nazi persecution pursuant to P.L. 103-286;
- 26) Payments to a member of the Passamaquoddy Indian Tribe, the Penobscot Nation of the Houlton Band of the Maliseet Indians pursuant to the Maine Indian Claims Settlement Act of 1980;
- 27) Up to \$2000 per year of income received by individual Indians, which is derived from leases or other uses of individually-owned trust or restricted lands pursuant to Section 13736 of P.L. 103-66; and
- 28) Payments based on disability status are disregarded in an amount up to the Supplemental Security Income (SSI) payment level for one person with no income. This disregard applies to disability benefits from Social Security (including SSI), Railroad Retirement Disability, Department of Veterans' Affairs (100% disability only) and Black Lung.
- b) In addition to the above, the following unearned income from non-governmental sources shall be exempt from consideration in determining eligibility and the level of assistance payment:
- 1) Inconsequential income, which is defined as gifts, prizes or other unearned income (excluding those unearned income items referenced in subsections (a)(1) through (a)(2895) described in other provisions of the Section) of up to \$50 \$30-00 per person per quarter;
- 2) The value of home produce which is used for personal consumption;
- 3) Child support payments made to an assistance unit by the Department which represents the first \$50 or any lesser amount of support collected in a month;
- 4) Two dollars of every \$3 of excess child support distributed by the child support agency to a family with earnings budgeted. This includes the wage supplementation programs of On-the-Job Training, Job Corps, Americorps VISTA, and work study;
- 5) 4) Payments from the principal or trust of a trust fund made to or on behalf of a dependent child when the court orders the money

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

released for a specific purpose other than the income maintenance needs of the child;

- 6) 54 Earmarked child support payments received by the client for the support of a child not included in the assistance unit; and
- 7) 64 Cash which is exchanged for purposes of satisfying payment of shelter-related obligations in situations where the assistance unit shares a dwelling unit with another family, individual or individuals. The money is not available to meet the needs of the party who received and disburses the shelter-related payment.

(Source: Amended at 21 Ill. Reg. 15597, effective NOV 2 1997)

Section 112.127 Lump-Sum Lump-Sum Payments

a) Income received either in the form of a one-time only payment that does not continue on a regular basis or in the form of a retroactive payment for income that continues on a regular basis is considered non-recurring lump-sum lump-sum income (here a lump-sum lump-sum payment). Examples of non-recurring lump-sum lump-sum income are retroactive social security payments, retroactive unemployment insurance benefits, personal injury settlements, workers compensation injury settlements, lottery winnings, inheritances and insurance settlements.

b) Any portion of the lump-sum lump-sum payment used to pay for expenses incurred as a result of the lump-sum lump-sum payment shall be exempt from consideration as non-recurring lump-sum lump-sum income as follows:

- 1) Personal Injury Settlement - That portion of a personal injury payment is exempt which is used to pay for:
 - A) necessary costs of litigation or settlement, including attorney's fees;
 - B) the Department's charge (see 89 Ill. Adm. Code Section 102.260);
 - C) medical costs resulting from the injury and paid by the client;
 - D) expenses to repair or replace personal property which was damaged as a result of the injury.
- 2) Workers' Compensation Payment - That portion of a Workers' Compensation payment is exempt which is used to pay for:
 - A) necessary costs of litigation or settlement, including attorney's fees;
 - B) medical costs resulting from the injury and paid by the client.
- 3) Insurance Payments
 - A) Insurance Payments - That portion of an insurance payment received due to loss is exempt when used to:
 - i) Repair or replace a lost or damaged resource including

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

but not limited to repair or replacement of home, furniture, or clothing lost or damaged in a fire or flood and repair or replacement of a car as a result of an accident or fire;

- ii) Pay the funeral, burial or medical expenses of an insured where the client is the beneficiary of the insured's life insurance policy.

B) Any insurance proceeds not spent or contracted to be spent as specified in subsection (b)(3)(A) of this Section within 60 days after of receipt shall be budgeted as non-recurring lump-sum lump-sum income. A payment receipt shall be required as verification of any insurance-related expenses claimed as exempt under subsection (b)(3)(A) of this Section.

c) Lump-sum payments that bring a family's countable resources up to the asset disregard level for that family's size are not counted in determining eligibility. If the assistance unit receives lump-sum payment income in any month which together with all other income received after application of the appropriate income deductions and exemptions of this Part exceeds the applicable standard of need for that unit size (See 89 Ill. Adm. Code Section 111.101), the assistance unit is ineligible for assistance for a specific period of time. The period of time of ineligibility is the whole number of months the total income received by the assistance unit minus the deductions and exemptions would meet the applicable standard of need. Any of this income left over after the above calculation shall be considered as income in the first month following the period of ineligibility. That portion of a lump-sum payment that exceeds the amount that brings the family's countable resources up to the asset disregard level for that family's size are considered as follows:

- 1) If the amount is less than the assistance payment level, the assistance payment for the month following the receipt of the lump-sum payment will be reduced by that amount.
- 2) If the amount is greater than the assistance payment level, the following action will be taken based on the specific amount of the lump-sum payment:
 - A) If the amount is \$1000 or less, the family will be ineligible for one month.
 - B) If the amount is more than \$1000, but less than or equal to \$2000, the family will be ineligible for two months.
 - C) One additional month of ineligibility will be added for each \$1000 increment.

e) 44 The assistance unit may apply to have the ineligibility period caused by receipt of non-recurring lump-sum lump-sum income shortened. The ineligibility period shall be shortened in the following situations:

- 1) When the non-recurring lump-sum lump-sum payment or a portion of the payment becomes unavailable to the family because the family incurs a loss due to fire, flood or natural disaster which

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

occurred during the ineligibility period. That amount of the lump-sum ~~lump-sum~~ payment the client spends or contracts to spend within ~~sixty~~-t 60+ days after ~~of~~ the fire, flood or natural disaster to repair or replace the lost or damaged property shall be deducted from the lump-sum ~~lump-sum~~ income when recalculating the period of ineligibility.

- 2) When the non-recurring lump-sum ~~lump-sum~~ payment or a portion of the lump-sum ~~lump-sum~~ payment becomes unavailable to the client due to payment of medical expenses which were incurred by a family member and paid in a month during the period of a ineligibility caused by receipt of a ~~lump-sum~~ ~~lump-sum~~ payment. Only those expenses which the Department allows toward meeting spenddown (see ~~See~~ 89 Ill. Adm. Code Section 140.3) shall be considered allowable medical deductions when recalculating the period of ineligibility. The allowable medical expenses must have been incurred and paid during the ineligibility period. A payment receipt shall be required as verification.

- 3+ ~~When an individual who is otherwise eligible to be included in the assistance unit joins the assistance unit (e.g., newborn return of a child or an adult) during the period of ineligibility caused by receipt of the lump-sum payment, the increased standard of need for the new assistance unit size (See 09-111-Adm. Code 111.101) shall be used to recalculate the remaining period of ineligibility for the entire household.~~

(Source: Amended at 21 Ill. Reg. 15507, effective _____)

Section 112.128 Protected Income (Repealed)

All income and assets of a Supplemental-Security-Income--(SSI)---beneficiary shall--be-protected-and-shall-not-be-considered--available-to-meet-the-needs-of any-APPE-applicant-or--recipient.

(Source: Repealed at 21 Ill. Reg. 15507, effective _____)

Section 112.130 Earned Income

- a) All currently available income which is not specified as exempt shall be considered in the determination of eligibility and the level of the assistance payment.
- b) Earned income is remuneration acquired through the receipt of salaries or wages for services performed as an employee or profits from an activity in which the individual is self-employed.
- c) In determining eligibility and level of assistance, the following shall be considered:
- 1) the earned income of a stepparent of a ~~an-APPE~~ child if the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

stepparent lives with the assistance unit ~~and-is-not-an-SSI recipient;~~

2) the earned income of a parent of a person under age 18 who is receiving assistance as a parent or dependent child if they are all living in the same household. ~~This provision does not apply if the parent receives SSI.~~

- d) The amount of the total available income of the stepparent or parent under subsection (c) of this Section ~~above~~ shall be the income remaining after the following amounts have been deducted:

1) As employment expenses, \$90-00 from the gross earned income or income remaining after deducting self-employment business expenses for an employed person (see Section 112.145);

2) An amount equal to the federal poverty level (see Section 112.155(b)) ~~Department's Standard-of-Need~~ for a family size taking into account the needs of the stepparent or parent, and the needs of individuals residing with the stepparent or parent not included in the assistance unit whom the stepparent or parent claims or could claim as federal tax dependents;

3) Amounts paid by the stepparent or parent for alimony or child support to individuals outside the home;

4) Amounts paid by the stepparent or parent to individuals outside the home whom the stepparent or parent claims or who could be claimed as federal tax dependents.

- e) Earned income received through the Job Training Partnership Act by all dependent children is exempt for ~~six months each year from comparison to the payment level when determining initial eligibility and to the Federal Poverty level for recipients.~~ For cases in Champaign and Lake Counties assigned to the Work-Pays Demonstration control group, earned income received through the Job Training Partnership Act by all dependent children is exempt for ~~six months each year from comparison to 105% of the Standard of Need.~~

f) Earned income received through the Job Training Partnership Act by dependent children who are full-time students or who are part-time students and not employed full-time (working 100 hours or more per month) is exempt in determining the APPE grant (see Section 112.140 for a definition of "full-time student" and "part-time students"). Participants in Job Corps are considered students.

g) Earned income received through the Job Training Partnership Act by dependent children who are not students as described in subsection (f) above is exempt for only six months each year in determining the APPE grant.

f)h) Earned income received by all dependent children who are full-time students or part-time students who are not full-time employed is exempt for six months each year from comparison to the payment level at initial application and to the Federal Poverty level for recipients.

h) For cases in Champaign and Lake Counties assigned to the Work-Pays Demonstration control group, earned income received by all dependent

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

children who are full-time students or part-time students who are not full-time employed is exempt for six months each year from comparison to 105% of the Standard of Need.

(Source: Amended at 21 Ill. Reg. 15597, effective NOV 24 1997)

Section 112.131 Earned Income Tax Credit

a) In determining eligibility and level of assistance against the Federal Poverty Level and the payment level, the amount of earned income tax credit which the client receives as advance payment or as a refund of federal income taxes shall be exempt.

b) For cases in Champaign and Lake Counties assigned to the control group for the Work Pays Demonstration, the amount of earned income tax credit which the client receives as advance payment or as a refund of federal income taxes shall be exempt in determining eligibility and level of assistance against the 105% Standard of Need and the payment level.

(Source: Amended at 21 Ill. Reg. 15597, effective NOV 24 1997)

Section 112.132 Budgeting Earned Income

a) Budgeting is the method by which nonexempt non-exempt income is compared to the applicable payment levels (as contained in Sections 89 and 90 of the Code 112.252 to 112.254) plus additional income maintenance needs to determine the amount of the monthly assistance payment for the assistance unit.

b) Earned monthly earned income of a client is budgeted on the basis of the income which the client is anticipated to receive reports as earned during the budget month.

c) If a recipient has more than one employer or more than one assistance unit member has earned income, the monthly income shall be calculated for both jobs.

(Source: Amended at 21 Ill. Reg. 15597, effective NOV 24 1997)

Section 112.133 Budgeting Earned Income of Employed Applicants Employed--On Date of Application And/or Date of Decision

a) The earned income received or expected to be received during a thirty day period commencing with the day of application shall be considered in the determination of eligibility.

b) Each employed applicant will be allowed a \$90 deduction from gross earned income. The remainder, plus all other budgetable income, will

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

be compared to the payment level to determine eligibility.

c) If eligible, two-thirds of the client's gross earned income is disregarded. One-third of each individual's gross earnings and all other budgetable income will be deducted from the family's payment level.

d) If the client is eligible, the amount of his or her initial prorated entitlement period (IPE) grant shall be based on the income which the client expects to receive during the IPE period.

e) If the IPE period is less than 60 days, the amount of the first grant shall be based on the income which the client expects to receive during the first payment month following the IPE period.

f) If the IPE period is 60 days or more, the amount of the first regular grant shall be based on the income which the client receives or expects to receive during the corresponding budget month.

g) For the months following the IPE and first regular grant, the amount of the grant shall be based on the amount of income anticipated to be received during the corresponding budget month except income from the budget month is not used when the income is not anticipated to continue for the second regular payment month.

(Source: Amended at 21 Ill. Reg. 15597, effective NOV 24 1997)

Section 112.134 Initial Employment

a) When a recipient reports that he has begun employment, a determination of continued eligibility shall be made.

b) Income which the recipient expects to receive during the payment month shall be considered in the determination of eligibility.

c) For employed recipients, the gross income will be compared to the federal poverty level to determine continued eligibility.

d) If the recipient remains eligible, the gross income anticipated to be received during the budget month shall be budgeted for the payment month.

e) If a recipient fails to report that he has begun to work, a determination of eligibility shall be conducted when the Department learns of the employment. The Department shall also determine at that time whether there has been overpayment in accordance with 89 Ill. Adm. Code 102.100.

(Source: Amended at 21 Ill. Reg. 15597, effective NOV 24 1997)

Section 112.137 Termination of Employment

If a recipient reports and verifies that employment has ended, income will be budgeted prospectively for the month following the last paycheck received during all budget months will be used to determine the grant-in-aid

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

corresponding payment months. This does not apply to members of the control group for the income budgeting project (see Section 710.507).

(Source: Amended at 21 Ill. Reg. 155.9, effective 10/1/97)

Section 112.140 Exempt Earned Income

The earned income of an individual receiving assistance as a dependent child is exempt. a) The earned income of an individual receiving assistance as a dependent child is exempt if the child is:

- 1) A full-time student in a school (including vocational and technical) college or university approved by the Illinois Office of Education. Full-time is defined as follows:
 - A) High School: 25 clock hours per week or enrollment in a secondary education program of training which the school defines as full-time attendance
 - B) Vocational or Technical School: 30 clock hours per week when the program involves shop practice, 25 hours per week when the program does not involve shop practice
 - C) College or University: 12 semester or quarter hours or
- 2) A part-time student who is not employed 100 hours per month or more.

b) Clients who are employed under "Healthy Start" are eligible to have their earnings from that employment exempted for a period of three consecutive months. Each client is only eligible to have his or her earnings exempted for one three-month period. Earnings received after the one-time-only three consecutive month period has expired are not exempt. The "Healthy Start" Project begins January 1994 and runs through September 1996. September 1996 is the last month in which earnings received under "Healthy Start" can be exempted. Any earnings received after September 1996 are not exempt.

(Source: Amended at 21 Ill. Reg. 155.7, effective 10/1/97)

Section 112.141 Earned Income Exemption

- a) At the time of application for assistance, each employed applicant will be allowed a \$90 deduction from earned income. The remainder, plus all other nonexempt income, will be compared to the payment level to determine eligibility.
- b) Employed families who received TANF during the six months prior to application who lost eligibility because of their earnings and child support, and for whom child support payments have ceased, shall receive the exemption in subsection (c) of this Section to determine eligibility.
- c) For employed recipients, the gross income will be compared to the

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

federal poverty level to determine continued eligibility. If eligible, one-third of each individual's earnings and all other nonexempt income will be deducted from the family's payment level. For cases in Champaign and Lake Counties assigned to the Work-Pays control group:

- 1) After the \$90-00 disregard for employment expenses is allowed (see Section 112.130), the first \$30-00 of the combined earned income of each employed person (excluding exempt earned income in Sections 112.131 and 112.140) plus one-third of the remainder shall be exempt from consideration for four consecutive months.
- 2) After the \$30-00 plus one-third has been allowed for four consecutive months, \$30-00 shall be exempt for an additional eight consecutive months.
- 3) Once the \$30-00 plus one-third exemption has been allowed for four consecutive months and the \$30-00 exemption has been allowed for an additional eight consecutive months, the earned income deduction shall not be allowed again until the individual has not received cash assistance for 12 consecutive months.
- b) For all other cases, two-thirds of each employed person's gross earned income shall be exempt.

(Source: Amended at 21 Ill. Reg. 155.9, effective 10/1/97)

Section 112.142 Exclusion from Earned Income Exemption

The earned income exemption shall not apply when determining initial eligibility. If the assistance unit is determined eligible without the earned income exemption, the two-thirds deduction shall be applied.

- a) For cases in Champaign and Lake Counties assigned to the Work-Pays Demonstration control group, the earned income exemption shall not apply:

- 1) When determining initial eligibility unless the wage earner was a member of an assistance unit which received an APBG grant payment for any one of the four preceding months (60 grant status because of application of the \$10-00 limit on payments is included as receiving an APBG grant). However, if the assistance unit is determined eligible without the earned income exemption, the earned income shall be recalcuated with the earned income exemption applied.
- 2) When the earned income exemption has been allowed for four consecutive months, unless and until the person has not received APBG benefits for 12 consecutive months.
- 3) If any individual included in the assistance unit other than a dependent child:
 - A) terminated employment or reduced earned income without good cause within the period of 30 days preceding such month, or
 - B) Refused without good cause within the period of 30 days

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- preceding--such--month--to--accept--employment--in--which--the individual--was--able--to--engage--and--which--has--been--determined to--be--a--suitable--available--offer--of--employment--or
- E) Fails--without--good--cause--to--report--income--in--a--timely manner--
- 4) When--the--person--is--requesting--APBC--after--being--voluntarily terminated--to--avoid--receiving--the--exemption--for--four--(4) consecutive--months--
- b) For--all--other--cases--the--earned--income--exemption--shall--not--apply--
- 1) When--determining--initial--eligibility--if--the--assistance--unit--is determined--eligible--without--the--earned--income--exemption--the two--thirds--deduction--shall--be--applied--
- 2) If--any--individual--included--in--the--assistance--unit--other--than--a dependent--child--fails--without--good--cause--to--report--income--in--a timely--manner--

(Source: Amended at 21 Ill. Reg. 15597, effective NOV 26 1993)

Section 112.143 Recognized Employment Expenses

- a) For earnings from self-employment and rental property, an amount equal to the expenses directly attributable to producing goods or services or an amount equal to the expenses of rental shall be deducted from the income prior to the application of the \$2 for \$3 exemption.
- b) For--cases--in--Champaign--and--Bake--Counties--assigned--to--the--Work--Pays Demonstration--control--group--
- 1) For--employment--expenses--\$90-00--shall--be--deducted--from--the--gross earned--income--of--each--employed--individual--
- 2) The--employment--expense--allowance--is--not--available--to--an individual--for--any--month--in--the--following--situations--
- A) The--individual--terminated--employment--or--reduced--earned income--without--good--cause--(See--Section--112-302(f)(1))--thru (3)--for--what--constitutes--good--cause--within--the--period--of--30 days--preceding--such--month--or
- B) The--individual--refused--without--good--cause--within--the--period of--30--days--preceding--such--month--to--accept--employment--in which--the--individual--was--able--to--engage--and--which--has--been determined--to--be--a--suitable--available--offer--of--employment--or
- E) The--individual--fails--without--good--cause--to--report--income--in a--timely--manner--or
- B) The--individual--voluntarily--requests--APBC--assistance--to--be terminated--to--avoid--receiving--the--earned--income--exemption for--four--consecutive--months--(see--Section--112-143)
- b) c) Day Care
- 1) Day Care expenses are to be covered as direct payment except as follows:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- A) For children age 13 and over who do not require child care because of a physical or psychological condition or because of court-ordered supervision.
- B) When a family which was receiving AFDC and was utilizing the child care disregard on October 13, 1988 would become ineligible for TANF APBC if the child care were paid directly.
- C) For the care of an incapacitated adult.
- D) At intake, when determining initial eligibility, the child care deduction pertains to verified child care expense for the month of application.
- 2) For cases that are exceptions to direct payment, use the child care deduction. Child care expenses shall be deducted from income up to a maximum of \$200-00 per child for each child under age two (2) and \$175-00 for each child age two (2) or older.
- 3) Direct payment and the child care deduction are not allowed when the child care provider is a responsible relative (see 89 Ill. Adm. Code 103.10(b)) of the child receiving care. Day care payments are not allowed if the child care provider is a step-parent who is providing care to and living with his or her step-children.
- 4) Direct payment for child care expenses shall be made to qualified child care providers in accordance with 89 Ill. Adm. Code 50.240 Section-112-354.
- 5) Eligibility for child care payments is limited to the first day of the calendar month prior to the month a request for child care services is made.

(Source: Amended at 21 Ill. Reg. 15597, effective NOV 26 1993)

Section 112.144 Income from Work-Study and Training Programs From Work-Study/Training-Program

- a) Income received from on-the-job training programs through--WBP--shall be--considered--earned--income--the--earned--income--exemption--and recognized--employment--expenses--shall--be--deducted--
- a) b) Income from college work-study is considered exempt income.
- b) Income from Job Corps is exempt.
- c) Earned income received through the Job Training Partnership Act by all dependent children is exempt for six--months--each--year--from--comparison to--the--Federal--Poverty--Level--.
- d) Earned income received through the Job Training Partnership Act by adults dependent--children--who--are--full--time--students--or--who--are--part time--students--and--not--employed--full--time--(working--100--hours--or--more per--month) is nonexempt exempt--in--determining--the--APBC--grant--fee Section--112-140--for--a--definition--of--"part-time--student"--and--"full-time student"--Participants--in--Job--Corps--are--considered--students--.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- e) Earned income received through the job training partnership act--by dependent children who are not students as described in (d) above is exempt for only six months each year in determining the APBG grant.
- f) Unearned income such as need based payments, cash assistance, compensation in lieu of wages and allowances received through the Jobs Training Partnership Act is exempt.

g) Earnings, allowances and payment under Title I of the National and Community Service Act of 1990. The exempt programs include Serve American, Higher Education Innovative Projects, American Conservation and Youth Programs and National and Community Service Programs.

(Source: Amended at 21 Ill. Reg. _____, effective 11/1/90.)

Section 112.145 Earned Income From Self-Employment

- a) Income realized from self-employment shall be considered earned income.

b) Accurate and complete records shall be kept on all monies received and spent through self-employment. If the individual fails or refuses to maintain complete business records, the family assistance unit shall be ineligible.

c) Business expenses shall be verified. The individual shall have full responsibility for proof of any business expense. No deduction shall be allowed for depreciation, obsolescence and/or similar losses in the operation of the business. Income reinvested in the business, except for the purchase of real estate, is a recognized business expense. This includes the purchase of capital equipment, payments on principal of loans and other expenses need to produce goods or services.

Business expenses include funds reinvested into the business except for the purchase of real estate or depreciation.

d) The self-employment net income shall be the gross less the value of remaining after the replacement of stock, and business expenses and the 90 employment expense have been considered. The earned income exemption, if applicable, shall then be computed and deducted from the remaining earned income. Child care expenses shall be covered by direct payment except for the exceptions described in Section 112.143(c)(1). Child care expenses for these cases shall be deducted from the remaining earned income.

e) Self-employment income for those individuals who have approved self-employment plans under Section 112.787 is to be gross income less business expenses and the 90-00 appropriate employment expenses (see Section 112.143). Business expenses shall be computed as defined in subsection (c). The earned income exemption, if applicable, shall then be computed and deducted from the remaining earned income. The child care expenses (see Section 112.143) shall then be deducted from the remaining earned income.

f) For cases in Champaign and Lake Counties assigned to the control group

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

for the work--Pays--Demonstration--990-00--shall be deducted after considering the replacement of stock and business expenses and before the applicable earned income exemption.

(Source: Amended at 21 Ill. Reg. 15507, effective 11/1/90.)

Section 112.147 Income From Rental Property

- a) Income received from rental property owned by a client is considered as earned if the money is produced by the client's services. For example, managing the property or managing the capital investment are ways to qualify rental income as earned. If the client has no specific responsibility for management of the property or the investment the rental does not qualify as earned income.

b) When determining net income, the reasonable and necessary rental expenses which the client incurs in the production of income may be deducted from the gross income. Reasonable and necessary rental expenses include repairs, taxes, insurance, and utilities if the landlord pays them.

c) If a client is responsible for cleaning a room and providing clean linens, the income which he receives shall be considered earned income from a roomer rather than earned income from rental property.

d) For cases in Champaign and Lake Counties assigned to the control group for the work--Pays--demonstration, after deduction of rental expenses the 990-00 employment expense, as specified in Section 112.143, shall be deducted.

e) The earned income exemption, if applicable, as specified in Section 112.141, shall be deducted.

f) Child care expenses shall be covered by direct payment except for the exceptions described in Section 112.143(c)(1). Child care expenses for these cases shall be deducted from the remaining earned income.

(Source: Amended at 21 Ill. Reg. 15507, effective 11/1/90.)

Section 112.150 Assets

- a) The value of nonexempt non-exempt assets shall be considered in determining eligibility for an assistance payment.

b) The entire equity value of a jointly-held liquid asset or the client's proportional share of a jointly-held non-liquid asset shall be considered in determining eligibility for an assistance payment, unless:

- 1) the asset is a joint income tax refund; or
- 2) the client can document the amount of his or her legal interest in the asset, and that such amount is less than the entire value of the asset, the documented amount shall be

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

considered. Appropriate documentation, may include, but is not limited to, bank documents, trust documents, signature cards, divorce papers, or court orders; or

3) the asset is held jointly with a client or clients client(s) of any Illinois Department of Public Aid assistance program other than food stamps Food-Stamp; or

4) the client documents that he or she he/she does not have access to the asset. Appropriate documentation may include but is not limited to, bank documents, trust documents, signature cards, divorce papers, or court orders; or

5) the client documents that the asset or a portion of the asset is not owned by the client and the client's accessibility to the asset is changed (see subsections (b)(2) and (4) of this Section above for documentation examples of documentation); or

6) the co-owner refuses to make the asset available; or

7) the co-owner has engaged in violent activity against a family member in the past.

c) Income tax refunds shall be considered available assets and are to be considered against the appropriate non-exempt asset limitation of the assistance unit. One-half of joint tax refunds shall be considered available for each payee. A client who declares that less than one-half of the joint income tax was received may claim an exception. Only the amount claimed to be received shall be considered.

d) Trust Fund for the Benefit of a Department Child

1) When trust fund exists for the benefit of a dependent child living in the home of the caretaker relative and the amount of the trust fund by itself or combined with other nonexempt assets of the assistance unit exceeds the asset disregard the caretaker relative shall be allowed forty-five (45) days to petition the court for release of the funds. When someone other than the caretaker relative is the trustee of the trust fund, the caretaker relative is responsible for taking action within forty-five (45) days of the Department's becoming aware of the existence of the trust fund to petition the court to order the trustee to release the funds. The child for whom the trust fund was established shall remain in the assistance unit for the forty-five (45) days.

2) When the trust fund combined with other nonexempt assets of the assistance unit does not exceed the asset disregard petitioning the court for release of the funds is not required.

3) A dependent child living with a blood-related sibling must be included in the assistance unit. The amount of the trust fund shall be considered a nonexempt asset available to meet the needs of the entire assistance unit if the amount of the trust fund and other nonexempt assets exceeds the asset disregard eligibility does not exist. The case remains eligible for assistance for the forty-five (45) day period the caretaker relative is allowed to petition the court for release of the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

funds:

4) In cases where the child is not a blood-related sibling of a dependent child from whom APBG is requested or received, the entire amount of the trust fund shall be considered available to meet the child's needs only. When the amount of the trust fund and other nonexempt assets exceeds the asset disregard eligibility no longer exists for the child. When the child with the trust fund is the only child in the assistance unit, eligibility for APBG no longer exists.

5) At the end of forty-five (45) days, if the caretaker relative A) does not provide verification that the caretaker relative has petitioned the court, the amount of the trust fund shall be considered a nonexempt asset available to the assistance unit and is applied to the asset disregard of the assistance unit if the child is a blood-related sibling of a dependent child included in the assistance unit. For cases where the child is not a blood-related sibling of a dependent child included in the assistance unit, the eligibility of all other members of the assistance unit is not affected unless the child with the trust fund is the only child in the assistance unit, or

B) provides verification that the caretaker has petitioned the court and a court denies the request for release of the funds, the amount of the trust fund shall be considered an exempt asset for the assistance unit, or

C) provides verification the court will release the funds for the child, the released amount(s) shall be considered as follows:

1) When the petition and court order direct the money be used for the child's income maintenance or do not specify a purpose, payments shall be budgeted as nonexempt unearned income. If the child is a blood-related sibling of a child included in the assistance unit, the child is included in the assistance unit and the income from the trust is budgeted against the assistance unit. If the child is not a blood-related sibling of a dependent child included in the assistance unit, the caretaker relative may choose to delete the child from the assistance unit. The income shall be considered to meet the child's needs only.

2) When the petition and court order direct the money be used for the child's income maintenance or do not specify a purpose, a one-time only release of the money shall be considered an asset subject to the asset disregard if the child with the trust fund is included with a blood-related sibling who is a dependent child included in the assistance unit. If the child is not a blood-related sibling of a

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

dependent--child--included-in-the-assistance-unit--the caretaker relative may choose to delete the child from the case--The other assistance unit members shall remain eligible.

iii) When the petition and court order direct the money be used for a specific purpose--other than the income maintenance needs of the child--the money shall be considered exempt and does not affect eligibility--or B) provides verification--the court was petitioned--but--a decision was not made--assistance shall be continued--for the child--and a receipt for thirty (30) days established.

d) An applicant or recipient applicant/recipient can appeal the Department's decision relating to consideration of assets in accordance with 89 Ill. Adm. Code 104--Subpart-A.

(Source: Amended at 21 Ill. Reg. 15597, effective

Section 112.151 Exempt Assets

a) The following assets are exempt from consideration in determining eligibility for assistance and the amount of the assistance payment:

- 1) A home which is the usual residence of the assistance unit.
- 2) Clothing, personal effects and household furnishings.
- 3) One automobile per assistance unit if the equity value does not exceed \$1500.
- 4) The value of the coupon allotment under the Food Stamp Act of 1977 (7 U.S.C 2011 et seq.).
- 5) The value of the U.S. Department of Agriculture donated foods (surplus commodities).
- 6) The value of supplemental food assistance received under the Child Nutrition Act of 1966 (42 U.S.C 1771 et seq.) as amended and the special food service program for children under the National School Lunch Act (42 U.S.C 1751 et seq.) as amended.
- 7) The principal and interest of a trust fund which upon petition the court refuses to release and one-time only payments released for a specific purpose other than income maintenance needs of the child.
- 8) Burial spaces and additions or improvements to a burial space plots.
- 9) Prepaid Funeral Agreements worth \$1500 or less per person.
- 10) Donations or benefits from fund raisers held for a seriously ill client provided the client or a responsible relative of the client does not have control (that is, not available to the client or the responsible relative) over the donations or benefits or the disbursement of the donations or benefits.
- 11) A nonrecurring lump-sum payment and a nonrecurring lump-sum SSA payment based on the individual's

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

disability and (for example, Hebley--Payment) made to that an individual in a TANF or APBE assistance unit is exempt as an asset for the month of receipt and the following month. For the third month, any remainder must be counted as a nonexempt asset.

12) The value of any savings in which the money is accumulated from the earning of a child. The interest is also exempt as well as gifts to the child not exceeding \$50 per quarter.

13) The value of micro-equipment and inventory needed for a functioning self-employment enterprise or being held in accordance with a Responsibility and Services Plan for the establishment of a self-employment enterprise.

14) Funds held in Individual Development Accounts meeting the requirements of Section 404(h) of the Social Security Act.

b) In addition to the above, the following assets are exempt. The assets listed in this subsection (b) remain exempt only as long as they can be separately identified if they are added to an existing account. If the amount of combined assets at any time, from the time of the receipt of the exempt asset or assets until the date of the eligibility determination or redetermination, fall below the amount of the exempted assets, only the lowest balance remains exempt.

- 1) The assets of a stepparent for purposes of determining the stepchild's eligibility.
- 2) Any benefits received under Title VII, Nutrition Program for the Elderly of the Older Americans Act of 1965 (42 U.S.C 3045 et seq.), as amended.
- 3) Any payment received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C 4601 et seq.).
- 4) Any payments distributed per capita or held in trust for members of any Indian Tribe under P.L. 92-254, P.L. 93-134 or P.L. 94-540.
- 5) Tax-exempt portions of payments made pursuant to the Alaska Native Claims Settlement Act (43 U.S.C 1601 et seq.).
- 6) Federally subsidized housing payments under Section 8 of the Housing and Community Development Act of 1974 (42 U.S.C 1437f 5901 et seq.) effective January 17, 1975, of the U.S. Housing Act of 1937, as amended.
- 7) Effective October 17, 1975, receipts distributed to certain Indian Tribal members of marginal land held by the United States government.
- 8) Payments for supporting services or reimbursement for out-of-pocket expenses made to volunteers serving as senior health aides, senior companions, foster grandparents, and persons serving in the Service Corps of Retired Executives (SCORE) and Active Corps of Executives (ACE) and any other programs under Titles II and III, pursuant to Section 418 of P.L. 93-113.
- 9) Any grant or loan to an undergraduate student for educational purposes made or insured under any programs administered by the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- Commissioner of Education.
- 10) For those individuals who have approved self-employment plans under Section 112.178, business assets must be separate from personal assets. Business assets are those assets that are directly related to producing goods and services that have been purchased after the business begins or as part of an approved self-employment plan (see Section 112.78). Business assets are considered exempt unless it is determined that the equity value (the value for which the asset can be sold less any amount owned on the asset) exceeds \$1,000. If the assets are determined to exceed \$1,000 but are less than \$5,000, the case will be reviewed in the DHS central office ~~is to be referred to the Bureau of APBE~~ ~~for review~~ to ensure that the assets in excess of \$1,000 are appropriate as business assets. A determination of business assets will be completed two years after the plan is approved.
- 11) Any payments received under Title I of P.L. 100-383 of the Civil Liberties Act of 1988 (50 U.S.C. 1989b through 1989b-8).
- 12) Any payment received under Title II of P.L. 100-383 of the Aleutian and Pribilof Islands Restitution Act (50 U.S.C. 1989c through 1989c-8).
- 13) Payments made to veterans who receive an annual disability payment or to the survivors of deceased veterans who receive a one-time lump-sum payment from the Agent Orange Settlement Fund or any other fund referencing Agent Orange product liability under P.L. 101-201.
- 14) Payments made by the Illinois Department of Mental Health and Developmental Disabilities under the Family Assistance Program for Mentally Disabled Children under P.A. 86-921.
- 15) Assets accumulated from income earned through employment under the federal "Health Start" Project.
- 16) Disaster relief payments provided by federal, State ~~state~~ or local government or a disaster assistance organization.
- 17) Earned child support payments received by a client for the support of a child not included in the assistance unit.
- 18) Payments received under the federal Radiation Exposure Compensation Act (42 U.S.C. 2210 nt).
- 19) Payments made to individuals because of their status as victims of Nazi persecution pursuant to P.L. 103-286.

(Source: Amended at 21 Ill. Reg. 15597, effective NOV 26 1993)

Section 112.152 Asset Disregards

In addition to the exempt assets listed in Section 112.151, the Department disregards up to \$2000 of equity value of other resources for a one-person family and up to \$3000 of equity value of other resources for a two-person

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

family. The asset disregard increases \$50 for each additional person (for example, \$3050 for a three-person family and \$3100 for a four-person family). Except for participants in the Homeless Families Support Project (see Section 170-307), in addition to the exempt assets listed in Section 112.151, the Department disregards \$1900-00 equity value of other resources.

(Source: Amended at 21 Ill. Reg. 15597, effective NOV 26 1993)

Section 112.155 APBE Income Limit

- a) For cases in Champaign and Lake Counties assigned to the control group of the Work Pays Demonstration, if an APBE unit's total available monthly income before applying any deductions or exemptions, including all earned and unearned income and all income available from a stepparent, exceeds 105% of the Standard of Need for a family of that size, the APBE unit is ineligible for assistance notwithstanding any other provisions in this Rules. b) For all other cases, if at application an APBE unit's total available monthly income before applying any deductions or exemptions, except for a \$90-00 deduction from gross earnings, exceeds the payment level for a family of that size, the APBE unit is ineligible for assistance.
- b)c) For families receiving TANF APBE, if the unit's total available monthly income before applying any deductions or exemptions including all earned and unearned income exceeds the Federal Poverty Level for a family of that size, the APBE unit is ineligible for assistance. The federal Department of Health and Human Services (HHS) poverty guidelines will be used as the poverty level. When the HHS poverty guidelines for all states are published for a year, the Department will implement those amounts effective October 1 that same calendar year.

(Source: Amended at 21 Ill. Reg. 15597, effective NOV 26 1993)

SUBPART H: PAYMENT AMOUNTS

Section 112.250 Grant Levels

- a) The amount of a recipient unit's grant is the unit's appropriate payment level minus that unit's nonexempt non-exempt income.
- b) If the amount of an APBE recipient unit's grant, as determined under the appropriate provisions of the APBE program, would be greater than \$0 but less than \$11 \$10-00, the recipient unit is not eligible to receive a grant. However, such recipient units may still be eligible for medical assistance, or social services, as if they were receiving a grant.
- c) If the amount of an APBE recipient unit's grant, as determined under

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

- E) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a third party; or
- F) the child (including all children in the case of multiple births) was born to a minor included in the ~~an-APBE~~ grant who became a first-time minor parent.
- c) The assistance unit may receive a general increase in the amount of aid that is provided to all recipients.
- d) All rounding in determining payment levels is done by rounding down to the next whole dollar amount.

(Source: Amended at 21 Ill. Reg. 15597, effective 12-1-97)

Section 112.252 Payment Levels in APBE Group I Counties

- a) The following Payment Levels are established for the ~~APBE--Program--in~~ Group I Counties.
- b) The counties included in Group I are:

Boone	Kane	Ogle
Champaign	Kankakee	Whiteside
Cook	Kendall	Winnebago
DeKalb	Lake	Woodford
DuPage	McHenry	

SIZE OF ASSIS- TANCE UNIT	CARETAKER RELATIVE OR RELATIVES RECEIVING(S) AND CHILD OR CHILDREN CHILD OR CHILDREN CHIEF(REN) CHIEF(REN)	CHILD OR CHILDREN CHIEF(REN) CHIEF(REN)
------------------------------------	--	---

	CURRENT	CURRENT
1	212	102
2	278	201
3	377	249
4	414	319
5	485	379
6	545	407
7	574	438
8	604	469
9	635	503
10	669	538
11	705	576
12	741	614
13	781	

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

the appropriate provisions of the APBE program, is not a whole dollar amount, the amount of the grant shall be rounded down to the next whole dollar amount.

(Source: Amended at 21 Ill. Reg. 15597, effective 12-1-97)

Section 112.251 Payment Levels in APBE

- a) The Payment Levels for APBE are flat, monthly standard amounts. The amount for an assistance unit is based on three variables:

- 1) the ~~the~~ number in the assistance unit except as specified in subsection (b) below;
- 2) the ~~the~~ presence or absence of an adult in the assistance unit; ~~and~~
- 3) the ~~the~~ grouping of the county in which the assistance unit lives.

- b) Effective January 1, 1997 cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The cash assistance shall be capped at the pre-birth payment level. ~~This demonstration will be tested in selected local offices designated as research sites. Cases in the research sites will be assigned to experimental and control groups. Cases assigned to the experimental groups shall be subject to the Family Accountability Demonstration provisions. Medicaid coverage, food stamps and child care are not included in the cap.~~

- 1) Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with the eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.

- 2) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:

- A) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;
- B) for cases active as of January 1, 1997 the birth occurs within ten months after the date of implementation (by October 31, 1996);
- C) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reappliation;
- D) the child was born while the parent or caretaker relative was on cash assistance, the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months;

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 14 822
 15 866
 16 911
 17 959
 18 1010

c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$50-00 or \$38-00, respectively, for each person above 18 or 12.

d) As the legislature has determined that payments under the APBE program should contain amounts for the purpose of energy assistance, and has directed that such amounts be established by rule, the first \$18--of the APBE--Payment Level for Caretaker Relatives and Children has been designated as being for the purpose of energy assistance.

e) Effective January 1, 1996, cash assistance will not increase--society because--of the birth of a child to any member of the assistance unit. The cash assistance shall be capped at the pre-birth payment level. This demonstration will be tested in selected local offices designated as research sites. Cases in the research sites will be assigned to experimental and control groups. Cases assigned to the experimental groups shall be subject to the Family Accountability Demonstration provisions. Medicaid coverage, food stamps and child care are not included in the cap.

f) Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.

2) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:

A) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;

B) for cases active as of January 1, 1996, the birth occurs within ten months after the date of implementation (by October 31, 1996);

C) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapportionment;

D) the child was born while the parent or caretaker relative was on cash assistance; the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months;

E) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by a third party; or

F) the child (including all children in the case of multiple

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

births) was born to a minor included in an APBE grant--who became a first-time minor parent;
 f) the assistance unit may receive a general increase in the amount of aid that is provided to all recipients;

(Source: Amended, at 21 Ill. Reg. 1010.20, effective NOV 1, 1994)

Section 112.253 Payment Levels in APBE Group II Counties

a) The following Payment Levels are established for the APBE Program in Group II Counties.

b) The counties included in APBE Group II are:

Adams	Henry	Macoupin	Putnam
Bureau	Iroquois	Madison	Rock Island
Carroll	Jackson	McDonough	Sangamon
Clinton	Jo Daviess	McLean	St. Clair
Coles	Knox	Mercer	Stephenson
Dewitt	LaSalle	Monroe	Tazewell
Douglas	Lee	Moultrie	Vermilion
Effingham	Livingston	Peoria	Wabash
Ford	Logan	Piatt	Warren
Fulton	Macon		Will
Grundy			

SIZE OF ASSIS- TANCE UNIT	CARETAKER RELATIVE OR RELATIVES REBAIVB(S) AND CHILD OR CHILDREN CHIBDREN	CHILD OR CHILDREN CHIBDREN ONLY
1	204	97
2	269	194
3	365	242
4	403	311
5	471	369
6	529	397
7	557	427
8	588	459
9	619	491
10	651	525
11	685	561

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

12	721	599
13	760	
14	799	
15	841	
16	886	
17	934	
18	982	

c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$48-00 or \$38-00, respectively, for each person above 18 or 12.

d) As the legislature has determined that payments under the APBG program should contain amounts for the purpose of energy assistance, and has directed that such amounts be established by rule, the first \$18 of the APBG Payment Level for Caretaker Relatives and Children has been designated as being for the purpose of energy assistance.

e) Effective January 1, 1996, cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The cash assistance shall be capped at the pre-birth payment level. This demonstration will be tested in selected local offices designated as research sites. Cases in the research sites will be assigned to experimental and control groups. Cases assigned to the experimental groups shall be subject to the Family Accountability Demonstration provisions. Medicaid coverage, food stamps and child care are not included in the cap.

f) Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.

g) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:

A) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy;

B) for cases active as of January 1, 1996, the birth occurs within ten months after the date of implementation (by October 31, 1996);

C) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reapportionment;

D) the child was born while the parent or caretaker relative was on cash assistance; the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months;

E) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

- f) a third party or the child (including all children in the case of multiple births) was born to a minor included in an APBG grant who became a first-time minor parent;
- g) the assistance unit may receive a general increase in the amount of aid that is provided to all recipients;

(Source: Amended 21 Ill. Reg. 100.100, effective 10/1/96)

Section 112.254 Payment Levels in APBG Group III Counties

a) The following Payment Levels are established for the APBG Program in Group III Counties.

b) The counties included in Group III are:

Alexander	Fayette	Lawrence	Richland
Bond	Franklin	Marion	Saline
Brown	Gallatin	Marshall	Schuyler
Calhoun	Greene	Mason	Scott
Cass	Hamilton	Massac	Shelby
Christian	Hancock	Menard	Stark
Clark	Hardin	Montgomery	Union
Clay	Henderson	Perry	Washington
Crawford	Jasper	Pike	Wayne
Cumberland	Jefferson	Pope	White
Edgar	Jersey	Pulaski	Williamson
Edwards	Johnson	Randolph	

SIZE OF ASSIS- TANCE UNIT	CARETAKER RELATIVE OR RELATIVES RELATIVE(S) AND CHILD OR CHILDREN CHILDREN
------------------------------------	--

CURRENT

1	173	94
2	257	188
3	349	237
4	389	302
5	453	359
6	511	387
7	538	414
8	566	445
9	597	477
10	628	510
11	662	545

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

12 696
13 733
14 771
15 812
16 855
17 900
18 948

c) For family sizes greater than 18 or 12, the amount of the payment level shall be determined by adding \$48-00 or \$36-00, respectively, for each person above 18 or 12.

d) As the legislature has determined that payments under the APBG program should contain amounts for the purpose of energy assistance, and has directed that such amounts be established by rule, the first \$18-00 of the APBG Payment Level for Caretaker Relatives and Children has been designated as being for the purpose of energy assistance.

e) Effective January 17, 1996, cash assistance will not increase solely because of the birth of a child to any member of the assistance unit. The cash assistance shall be capped at the pre-birth payment level. This demonstration will be tested in selected local offices designated as research sites. Cases in the research sites will be assigned to experimental and control groups. Cases assigned to the experimental groups shall be subject to the Family Accountability Demonstration provisions. Medicaid coverage, food stamps and child care are not included in the cap.

i) Cash assistance will not increase due to the birth of a child to any member of the assistance unit if an assistance unit fails to comply with eligibility requirements or an assistance unit voluntarily requests termination of cash assistance and subsequently becomes eligible for cash assistance within nine months.

2) An increase in the payment level due to the birth of a child to any member of the assistance unit is allowed if:

A) the birth is to a pregnant woman who became eligible for cash assistance during the pregnancy?

B) for cases active as of January 17, 1996, the birth occurs within ten months after the date of implementation (by October 31, 1996)?

C) the child is conceived after the family became ineligible for cash assistance due to income or marriage and at least three payment months of ineligibility have passed before any reaplication?

B) the child was born while the parent or caretaker relative was on cash assistance the assistance unit did not receive an increase in assistance due to the birth of this child and the parent or other caretaker relative has been off cash assistance for nine payment months?

B) the child was born as a result of incest or forcible rape based on the statement of the woman which is corroborated by

a third party, or

f) the child (including all children in the case of multiple births) was born to a minor included in an APBG grant who became a first-time minor parent.

f) The assistance unit may receive a general increase in the amount of aid that is provided to all recipients.

(Source: Amended at 21 Ill. Reg. effective 1/1/96)

Section 112.255 Limitation on Amount of TANF Assistance to Recipients from Other States

If an applicant has moved to Illinois from another state and received financial assistance in that state under a program that is equivalent to the Illinois TANF program during any of the twelve months immediately preceding the date the applicant's current Illinois residency began, during the first twelve months that the applicant resides in Illinois the applicant is eligible to receive assistance in an amount no greater than the amount of comparable assistance received from the other state.

(Source: Added at 21 Ill. Reg. effective 1/1/96)

SUBPART I: OTHER PROVISIONS

Section 112.300 Persons Who May Be Included in the Assistance Unit

- a) The assistance unit must include at least one eligible child. No more than two of the following individuals may also be included as adults:
- 1) the parent or parents of an eligible child; or No more than two of the following individuals may also be included as adults:
 - A) The caretaker relative?
 - B) The parent of an eligible child?
 - C) The spouse of the caretaker relative if the caretaker relative is a parent of one of the children and the spouse lives in the home? or
 - D) A needy relative other than the caretaker relative whose presence is essential in the home to provide care for the eligible children?
 - 2) the caretaker relative and the spouse of the caretaker relative if residing in the home. An individual is defined as needy if the individual's income minus employment deductions, if appropriate, is less than a per person grant amount (that is, payment level divided by the number in the assistance unit, including the essential person).
- b) In order for an assistance unit to be eligible, an application for with respect to a dependent child must also include, if living in the

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

same household and otherwise eligible for assistance:

- 1) any Any legal parent of the dependent child; and
- 2) any Any blood-related or adoptive brother or sister of the dependent child.

e) The eligibility of a child in an assistance unit depends on that child's lack of parental support or care:

c) All eligible dependent children who are blood-related or adoptive siblings in a family unit shall be included in one case.

d) Two cases shall be established with the same caretaker relative only as follows:

1) The caretaker, his or her own children, the children's eligible siblings and other parent for an essential person shall be in one assistance unit.

2) Other related children and their eligible parent or parents and siblings shall be in a second assistance unit.

e) A pregnant woman and her spouse (if living together), who would be eligible for TANF APPE when the child is born, may receive assistance as an adult or adults Adult only. Financial assistance is limited to the last four months of pregnancy.

f) When an unmarried A pregnant woman who is receiving or is eligible to receive cash assistance as a dependent child in a TANF an--APPE case and the child's legal father is not present, the woman is not eligible for cash assistance as an adult Adult only pregnant woman.

g) The caretaker relative or relatives of a child receiving SSI Foster Care Assistance or Adoption Assistance who would otherwise be eligible for TANF APPE may receive assistance as an adult Adult only case.

h) A child on Foster Care Assistance (except Independent Living) and the foster child's own child or children are not eligible for TANF APPE cash assistance.

(Source: Amended at 21 Ill. Reg. 15507, effective _____)

Section 112.302 Monthly Reporting Requirements for Clients with Earnings

a) All assistance units which contain a member who is employed or who has lost employment within the last three months must submit a written completed report form to the Department quarterly. The information to be reported will be regarding the assistance unit's income, assets, family composition and other factors pertinent to eligibility for the budget month and any changes in these factors which the unit expects to occur in the current month or in future months.

b) All units which must report quarterly shall have benefits calculated for three months by considering income and attendant circumstances on a prospective basis.

c) Earnings shall be budgeted prospectively for a three-month period based on the quarterly report provided by the client. Income averaging will be used to determine the amount of income to budget for

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

a three-month period.

d) Clients who experience a decrease in income below the amount anticipated may be eligible for a supplemental payment. A supplemental payment must be requested in writing. Eligibility for a supplemental payment may exist if the gross earned (minus self-employment business expenses, if any) and unearned income (including the assistance payment) received from all sources for the payment month is less than the payment level for an assistance unit of comparable size. If these conditions are met, the amount of supplemental payment the client is eligible to receive, if any, is determined by adding the gross earned income (minus self-employment business expenses and the two-thirds earned income deduction) and the gross unearned income (including the assistance payment) received in the payment month. This amount is subtracted from the payment level for an assistance unit of comparable size. If the difference is \$10 or more, the client is eligible for a supplemental payment. The supplemental payment for which the client is eligible is the amount of the difference.

e) Clients who experience an increase in income above the amount anticipated will not be referred for an overpayment based on the increased income.

f) At intake, actual amount of income received in the Initial Prorated Entitlement (IPE) period will be used to determine the IPE amount. The first regular roll payment amount will be computed using income averaging.

g) When the completed quarterly report is received, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived.

h) If the Department does not receive the quarterly report or receives only an incomplete report, cash assistance may be terminated. The Department must send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed report on time. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested on or before the date of change or within ten calendar days after the date of notice, whichever is later, assistance will be reinstated to the level of the prior month.

i) If a completed report form is received by the end of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the entire three-month period will be determined. If eligible, all the applicable earned income disregards will be allowed for the entire three-month period.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

d) If a completed report form is received after the last calendar day of the first payment month of the three-month period for which the report is used to determine eligibility, eligibility for the month of receipt and the third month, if applicable, will be determined. Eligibility for a cash payment for the first payment month of the three-month period shall not exist. The client will be allowed all the applicable earned income disregards for those months for which eligibility is determined.

All caretaker relatives who are required to file quarterly reports will be notified of their responsibility, receive a complete explanation of the requirements and be informed of the due date for the first report.

e) Information reported and groups reporting:

- 1) Each assistance unit in the following groups must submit monthly a written completed report form to the Department on
 - A) income, assets, family composition, and other factors pertinent to APBG eligibility for the budget month, and
 - B) any changes in these factors which the unit expects to occur in the current or future months.
- 2) The groups which must report monthly are:
 - A) Families earning income,
 - B) Families who are receiving unemployment insurance, benefits, and
 - C) Families who have lost employment within the last three months.

b) All APBG units which must report monthly shall have benefits calculated by considering income and attendant circumstances (such as employment expenses and day care expenses) on a retrospective basis.

e) When the completed monthly report is received on time, the Department will determine if eligibility continues and process any adjustments to the payment. The Department will notify the caretaker relative of any changes in the payment and the reason or reasons for the change. If the APBG grant is being reduced or terminated as a result of information contained in the report, the notification will be mailed to arrive no later than the payment or the day the payment would have arrived. The client will have ten days from the mail date of the notice to request a hearing in order to receive reinstatement.

d) If the Department does not receive the monthly report or receives only an incomplete report, APBG may be terminated. The Department must send the client a notice of the action to arrive not later than the date the payment would have been made if the Department had received a completed monthly report on time. If the client files a completed report within ten days of the date of this notice, the replacement form will be accepted and an APBG payment will be made if the information on the form indicates the family is still eligible. If the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested within ten days of the date of the notice, assistance is reinstated to the level of the prior month. When the completed report is received later if the family is found ineligible or eligible for a grant less than that of the prior month, the Department will promptly notify the client of the right to a fair hearing and the right to have assistance reinstated. If a hearing is requested within ten days, assistance is reinstated to the level of the prior month.

f) If a completed monthly report is received but not on a timely basis and the client has earnings, the Department will provide the client with the opportunity to show good cause for not filing the report timely. In order to be timely, a report must be received or postmarked by the fifth day of the fiscal month following the budget month. (A fiscal month is a month that starts with a given day in one calendar month and ends with the day before the same given day in the next calendar month.) If good cause exists, the applicable earned income disregard will be applied to earnings if appropriate. Child care expenses will be covered by direct payment except for the exceptions described in Section 112.143(c)(1). For these exceptions to direct payment, the applicable earned income disregard for child care expenses will be applied to earnings if appropriate. If good cause does not exist, the earned income and child care disregards are not applied. However, clients whose child care expenses are met through direct payment remain eligible for those payments. Good cause exists if circumstances beyond the reasonable control of the client prevented the timely submittal of a completed monthly report. Factors to be considered in determining whether good cause exists include, but are not limited to, the following:

- 1) Did the client have an opportunity to submit the report on time?
 - 2) Does the client have a history of submitting his/her monthly report on time?
 - 3) Is there any reason to doubt the client's claim of good cause (i.e., repeated claims of good cause)?
- g) The Department will notify all caretaker relatives of their responsibility to promptly report expected changes in income, resources, and other factors relevant to APBG eligibility and payment amount. All APBG caretaker relatives will be informed of the penalty of loss of income disregards if initial earnings are not promptly reported or the completed required monthly report is not filed timely. All APBG caretaker relatives will be informed of what constitutes prompt reporting of expected changes and what constitutes timely submission of monthly reports.

h) All APBG caretaker relatives who are required to file monthly reports will be notified of their responsibility to receive a complete explanation of the requirements and be informed of the due date for the first report.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 21 Ill. Reg. 112.303, effective 1/1/80)

Section 112.303 Retrospective Budgeting

- a) All APBE recipients shall have income and attendant circumstances budgeted on a retrospective basis, except those who are required to report quarterly under Section 112.302 whether or not they must report monthly, except those participating in the income budgeting project and the quarterly reporting failure to report employment demonstration project (see 89-Ill-Adm-Code-170-50 and 170-3007).
- b) Eligibility for APBE is first determined on a prospective basis for all eligibility factors. If eligible on this prospective basis, the actual amount of benefits the unit is entitled to receive shall be determined by budgeting income and attendant circumstances retrospectively. For participants in the income budgeting project earnings shall be budgeted prospectively for the first two months and retrospectively thereafter. At intake, however, income and attendant circumstances shall be budgeted prospectively for two months before beginning retrospective budgeting in the third month. For recipients who are required to report quarterly under Section 112.302, participants in the quarterly reporting failure to report employment demonstration project budgeting shall be done prospectively.
- c) The budget month is the fiscal month from which the Department uses income and attendant circumstances to determine the amount of assistance the unit is entitled to receive. The payment month is the fiscal month which the assistance grant covers. The payment month is the second fiscal month following the budget month.
- d) When a recipient whose assistance is discontinued reapplies for the same fiscal month assistance was discontinued, the recipient's income is budgeted retrospectively as if no interruption in assistance occurred. This does not apply to participants in the income budgeting project whose cases are cancelled in the first two payment months of initial employment. This also does not apply to citizens in the quarterly reporting failure to report employment demonstration project (see 89-Ill-Adm-Code-170-3007).

(Source: Amended at 21 Ill. Reg. 112.303, effective 1/1/80)

Section 112.304 Budgeting Schedule

- a) The budget month and payment month for each APBE case are determined by the schedule the unit is in. The schedule also governs the approximate issuance date of the assistance payment grant.
- b) The following schedules have been established:

SCHEDULE
BUDGET MONTH AND

NUMBER

PAYMENT MONTH DATES

00	1st through last Day of Calendar Month
01	1st through last Day of Calendar Month
02	1st through last Day of Calendar Month
03	1st through last Day of Calendar Month
04	7th through 6th Day of Calendar Month
05	10th through 9th Day of Calendar Month
06	14th through 13th Day of Calendar Month
07	17th through 16th Day of Calendar Month
08	20th through 19th Day of Calendar Month
09	22nd through 21st Day of Calendar Month

- b) The above table applies to all APBE units whether or not they report monthly and the assistance grant is mailed at or near the beginning of the payment month.

(Source: Amended at 21 Ill. Reg. 112.304, effective 1/1/80)

Section 112.305 Strikers

a) Definition

- 1) A striker is anyone directly involved in:

- A) a strike;
B) a work stoppage planned by employees, including a work stoppage because a contract expired;
C) a slowdown planned by employees;
D) other interruption of operations planned by employees.

- 2) An individual who has been or is on strike at any time during a fiscal month is considered a striker for the fiscal month.

- b) A person not directly involved in a strike who cannot work due to the strike or who is afraid to cross the picket line because of threats of injury or vandalism is not a striker (for example, a member of a non-striking union or a non-union member who cannot work due to a strike is not a striker). However, a sympathy striker is a striker.

- c) An employee affected by a lockout is not a striker.

- d) A family with a parent on strike, a caretaker relative on strike, or a child on strike shall be ineligible except for the following situations:

- 1) the striking person was exempt from work requirements on the day before the strike began (see Section 112.71 to determine if the person was exempt); or

- 2) if the striking person was not exempt from work requirements, the family must have been either receiving TANF or eligible to receive TANF on the day before the strike began.

- e) Eligibility and level of benefits for a striker's family are determined using the family's income and assets as they were on the day before the strike began. If eligible on the day before the strike, eligibility and level of benefits are determined by using the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

greater of the striker's pre-strike income or current income plus the non-striking household member's current income.

~~Persons--participating--in--a--strike--on--the--last--day--of--the--month--are--not eligible--for--APBE--assistance--if--a--parent--living--in--the--home--is--on--strike the--entire--assistance--unit--is--ineligible--Non-responsible-relatives-and dependent-children--who--are--on--strike--are--ineligible~~

(Source: Amended HW 243 at 21 Ill. Reg. 10507, effective 10/1/96)

Section 112.307 Responsibility of Sponsors of Non-Citizens Entering the Country Prior to 8/22/96 Attens

a) This Section 112.307, except as specified in subsection (b), applies to all non-citizens who entered the country prior to August 22, 1996, or who entered the country on or after that date, but whose sponsor did not sign an Affidavit of Support under Section 213A of the Immigration and Nationality Act (INA).

b) This Section applies to all non-citizens attens except the following:

- 1) persons paroled under Section 212(d)(5) of the INA for at least one year and who entered the United States before August 22, 1996 into the United States as refugees;
- 2) persons granted asylum by the U.S. Attorney General under Section 208 of the INA;
- 3) persons admitted as Cuban or Haitian Entrants;
- 4) persons admitted by application before April 1, 1980, under Section 203(a)(7) of the INA Immigration and Naturalization Act; and
- 5) persons admitted as refugees by application after March 31, 1980 under Section 207(c) of the INA Immigration and Naturalization Act; and
- 6) persons whose deportation is being withheld under Section 243(h) of the INA.

c) Certain amounts of the income and assets of a sponsor of a non-citizen atten and the sponsor's spouse, if they live together, are deemed to be available unearned income of the individual non-citizen atten applying for or receiving assistance if:

- 1) the sponsor signed an affidavit of support or a similar agreement assuring the non-citizen atten will not become a public charge;
- 2) the atten has been a resident of the U.S. for less than three years;
- 2) the sponsor is not a recipient of TANF APBE or SSI;
- 3) the non-citizen has been a resident of the U.S. for less than three years;
- 4) the non-citizen atten is not a child or spouse of the sponsor.

d) A sponsor is an individual, private organization or agency or public

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

organization or agency.

e) The spouse's income and assets will be counted even if the sponsor and spouse married after the agreement was signed.

f) The sponsor, if found able to support the non-citizen atten, wholly or partially ~~partially~~ partially, is liable for the needs of the individual atten only. The sponsor is not responsible for the needs of the spouse or child or ~~children~~ children of the non-citizen atten if he or she ~~he/she~~ did not sponsor them.

g) If two or more non-citizens attens applying for assistance are sponsored by the same sponsor, the income of the sponsor deemed available is divided equally among the non-citizens attens.

h) The sponsor's income and assets available to meet the needs of the non-citizen atten are determined in the following manner:

- 1) Determination of Available Income

A) Disregard 20 percent \$, not to exceed \$175.00, of the earned income of the sponsor or of the sponsor and sponsor's spouse, if they live together. This includes net earnings from self-employment, allowing business expenses incurred in the production of self-employment income.

B) Add the unearned income of the sponsor and spouse, if they live together.

C) Deduct the appropriate federal poverty level, as defined in Section 112.155(b), APBE-Standard-of-Need for the size of the sponsor's family unit. This includes the sponsor and other individuals living with the sponsor who are claimed as federal tax dependents. If the sponsor lives out-of-state, use group I-Standard-of-Need.

D) Deduct any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents.

E) Subtract any alimony or child support paid to individuals not living with the sponsor.

2) Income remaining is applied to the needs need of the immigrant atten.

- 3) Determination of Sponsor's Assets

The asset disregard for a sponsor of a non-citizen ~~an-atten~~ an-atten is \$1500.00. The same assets are exempt as for a TANF ~~an-APBE~~ an-APBE case as provided in Section 112.151.

i) If nonexempt non-exempt assets are more than the \$1500 disregard, the amount over the disregard shall be considered as available to the non-citizen atten.

(Source: Amended HW 243 at 21 Ill. Reg. 10507, effective 10/1/96)

Section 112.308 Responsibility of Sponsors of Non-Citizens Entering the Country On or After 8/22/96 Special-Needs-Authorizations

a) This Section applies to all non-citizens who entered the country on or

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

after August 22, 1996, and whose sponsors signed an Affidavit of Support under Section 213A of the Immigration and Nationality Act.

b) This Section applies to all non-citizens except the following:

- 1) persons paroled under Section 212(d)(5) of the INA for at least one year and who entered the United States before August 22, 1996;
- 2) persons granted asylum by the U.S. Attorney General under Section 208 of the INA;
- 3) persons admitted as Cuban or Haitian Entrants;
- 4) persons admitted by application before April 1, 1980, under Section 203(a)(7) of the INA;
- 5) persons admitted as refugees by application after March 31, 1980, under Section 207 of the INA; and
- 6) persons whose deportation is being withheld under Section 243(h) of the INA.

c) Certain amounts of the income and assets of a sponsor of a non-citizen and the sponsor's spouse, if they live together, are deemed to be available unearned income of the individual non-citizen applying for or receiving assistance if:

- 1) the sponsor signed an Affidavit of Support under Section 213A of the INA assuring the non-citizen will not become a public charge;
- 2) the sponsor is not a recipient of TANF or SSI; and
- 3) the non-citizen is not a child or spouse of the sponsor.

d) A sponsor is an individual, private organization or agency or public organization or agency.

e) The spouse's income and assets will be counted even if the sponsor and spouse married after the agreement was signed.

f) The sponsor, if found able to support the non-citizen wholly or partially, is liable for the needs of the individual non-citizen only. The sponsor is not responsible for the needs of the spouse or child or children of the non-citizen if he or she did not sponsor them.

g) If two or more non-citizens applying for assistance are sponsored by the same sponsor, the income of the sponsor deemed available is divided equally among the non-citizens.

h) The sponsor's income and assets available to meet the needs of the non-citizen are determined in the following manner:

- 1) Determination of Available Income
 - A) Disregard 20 percent, not to exceed \$175, of the earned income of the sponsor or of the sponsor and sponsor's spouse, if they live together. This includes net earnings from self-employment, allowing business expenses incurred in the production of self-employment income.
 - B) Add the unearned income of the sponsor and spouse, if they live together.
 - C) Deduct the appropriate federal poverty level, as defined in Section 112.155(b), for the size of the sponsor's family unit. This includes the sponsor and other individuals living with the sponsor who are claimed as federal tax

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

dependents.

- D) Deduct any amount paid to individuals outside the home whom the sponsor claims as federal tax dependents.
- E) Subtract any alimony or child support paid to individuals not living with the sponsor.

2) Income remaining is applied to the needs of the non-citizen.

- 3) Determination of Sponsor's Assets
 - The asset disregard for a sponsor of a non-citizen is \$1500. The same assets are exempt for a TANF case as provided in Section 112.151.

1) If non-exempt assets are more than the \$1500 disregard, the amount over the disregard shall be considered as available to the non-citizen.

1) The sponsor's income and assets shall be deemed available to meet the needs of the non-citizen until the non-citizen is naturalized or has worked 40 qualifying quarters of coverage as specified in Section 421 of the Personal Responsibility and Work Opportunities Reconciliation Act of 1996.

The Department will include the special needs listed in subsections (c) and (d) of this Section when determining initial and continued eligibility for APBE. If the APBE unit is determined eligible for presumptively eligible for an assistance payment, additional payment or payments will be authorized upon request of the client and verification of provision of the service in the following circumstances:

a) A student who is a junior or senior in high school and is included in the assistance unit as an eligible child, the allowance is \$15.00 per quarter payable three times a year.

b) A therapeutic diet allowance is required for an eligible recipient who is diabetic and the diet is prescribed by a physician. The amounts are:

- 1) Children-----\$17.02 per month
- 2) Adults less than 1700 calories-----\$7.92 per month
- 3) Adults 1700 calories or more-----\$17.02 per month

c) Correction of an underpayment.

d) A change in mailing date of the regular warrant creates a period of unmet need.

e) \$75 per month for each child under Department of Children and Family Services' guardianship who lives with a specified relative provided the child has no parent in the home.

(Source: Old Section repealed, new Section added at 21 Ill. Reg. 112.155, effective 1/1/97)

Section 112.320 Redetermination of Eligibility

a) It is the Department's responsibility to determine the continued eligibility of all recipients of assistance and it is the recipient's responsibility to cooperate in the redetermination of eligibility. A

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

redetermination of eligibility shall be conducted consistent with the Responsibility and Services plan on an as needed basis but at least once in a 12-month ~~twelve-month~~ period. Once once in a 12-month ~~twelve-month~~ period there shall be a redetermination of eligibility and revision of the Responsibility and Services Plan with the client who ~~meeting-at-which-the-recipient~~ must be present. Failure to cooperate in the redetermination of eligibility process, without good cause, will result in ineligibility ~~for-APBE~~. Examples of good cause include, but are not limited to:

- 1) death in the family;
 - 2) illness or incapacity of the client or his or her child or children ~~childrent~~;
 - 3) family crisis;
 - 4) unexpected emergency;
 - 5) breakdown in transportation;
 - 6) inclement weather; or
 - 7) if the client is employed, a conflict in the client's work schedule; or
 - 8) a conflicting court and/or administrative hearing appearance.
- b) When information of a change in a client's circumstances is received by the local office and the review and redetermination ~~redetermination/review~~ process results in a decision that a client is eligible for an increased amount of financial assistance, the Department shall mail the increased amount of assistance payment no later than 45 calendar days from the date that the local office initially received the information.
- c) When a delay in the verification of the change in circumstances is caused ~~cause~~ by the client, the 45 calendar day period may be extended by one day for each day of delay by the client.
- d) When the client fails to provide the required verification or ~~verifications verifications~~ or fails to cooperate in the review and redetermination process ~~redetermination/review-of-eligibility~~, the 45 calendar day limitation is not applicable.

(Source: Amended at 21 Ill. Reg. 15597, effective NOV 26 1993)

Section 112.330 Extension of Medical Assistance Due to Increased Income from Employment

- a) A six-month extension of medical assistance shall be provided ~~for-APBE~~ ~~cases~~ when TANF APBE assistance is terminated due to increased hours or increased income from employment. This extension shall begin with the APBE case's first month of ineligibility. Ineligibility may result from initial or increased earnings.
- b) Except for those APBE cases in the Homeless Families Support Project, the initial six-month medical assistance period can be extended for a total of six additional months. Eligibility for an extension beyond

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

the initial six-month period shall exist if:

- 1) the Medical Extension Report Forms are returned by the due date;
- 2) an eligible child is still in the home;
- 3) the client's earnings from the past three months minus child care costs are less than 195% of the federal poverty level ~~line-except for-those-APBE-cases-in-the-Homeless-Families-Support-Project;~~ and

- 4) the client has not quit employment without good cause.
- c) An extension of medical assistance shall be provided for Refugee cases when:

- 1) a cash case is terminated due to new or increased earnings from employment; or
 - 2) a medical assistance only case would be placed in spend-down status due to new or increased earnings from employment.
- d) For Refugee cases, the medical assistance shall be extended by a period of four months or until the refugee reaches the end of his or her time-eligibility period of refugee assistance, whichever is less.

(Source: Amended at 21 Ill. Reg. NOV 26 1993, effective NOV 26 1993)

Section 112.331 Four Month Extension of Medical Assistance Due to Child Support Collections

- a) A four (4) month extension of medical assistance shall be provided for TANF APBE cases when assistance is terminated due to increased collection of support payments under the IV-D Program.
- b) A family must have been receiving TANF or AFDC for at least three (3) of the six (6) months immediately before the month of ineligibility.

(Source: Amended at 21 Ill. Reg. NOV 26 1993, effective NOV 26 1993)

SUBPART J: CHILD CARE

Section 112.350 Child Care (Repealed)

The Department will guarantee child care:

- a) For each family with a dependent child (as described in Section 112.352 of this Part) requiring such care to the extent that such care is determined by the Department to be necessary for an individual in the family to accept employment or remain employed; and
- b) For each individual participating in activities as provided in Sections 112.747, 112.76 and 112.78 and 112.82, including participation in ancillary support service activities such as substance abuse treatment and life skills training, if the Department has approved the activity in accordance with Section 112.78) and has determined that the individual is satisfactorily participating (as defined at Section

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

112.70) in the activity.

(Source: Repealed at 21 Ill. Reg. 112.70, effective

Section 112.352 Child Care Eligibility (Repealed)

- a) Child-care will be provided for a dependent child of a person receiving APBG to allow such individual to participate in education or training and for employment.
- b) Eligibility is also extended to children who meet the criteria in subsection (a) who would be dependent except for benefits under Supplemental Security Income under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or foster care under Title IV-B of the Social Security Act (42 U.S.C. 670 et seq.) if the conditions of subsection (a) are met, and the caretaker relative is also a member of a household receiving APBG.

(Source: Repealed at 21 Ill. Reg. 112.352, effective

Section 112.354 Qualified Provider (Repealed)

Payment will be made for child care that otherwise meets the requirements of this Section and meets applicable standards of State and local law and regulation, including but not limited to licensure requirements promulgated by the Department of Children and Family Services (DCFS) at 89 Ill. Adm. Code Chapter 17, Subchapter (e), and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshal at 41 Ill. Adm. Code 1007 and is provided in any of the following:

- a) Child-Care Center
- 1) A child-care center licensed by the Department of Children and Family Services which regularly provides day care for less than 24 hours per day.
- b) For more than eight children in a family home, or
- b) For more than three children in a facility other than a family home.
- 2) A child-care center exempt from licensure pursuant to Section 2-09 of the Child-Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2212.09) (225 ILCS 10/2.09).

b) Licensed Child-Care Home or Home-Exempt from Licensure

- 1) A licensed day-care home is any family home which provides day care for less than 24 hours per day, and for more than three children up to a maximum of 12 children. The maximum of 12 children includes the family's natural or adopted children and all persons under the age of 12. A licensed day-care home does not include a home which provides day care to only children from the same household. (Section 2-10 of the Child-Care Act of 1969

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 2) A home exempt from licensing is a home in which no more than three unrelated children under the age of 12 years, including the children of the provider, are cared for at one time. This home is not subject to licensing by DCFS.

c) Licensed Group Child-Care Home

A licensed group child-care is a home where no more than 16 unrelated children, including the children of the providers, under the age of 12 are cared for. (Section 2-20 of the Child-Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2212.20) (225 ILCS 10/2.20)).

d) Relatives and Babysitters

- 1) Care provided by relatives in his or her home or in the child's home. Relatives living in the same home as the child are eligible for payment with the exception of the child's mother or father or a person in the same assistance grant as the child.
- 2) Care provided by a non-relative in the child's home provided the non-relative is not in the same assistance grant as the child.

(Source: Repealed at 21 Ill. Reg. 112.354, effective

Section 112.356 Notification of Available Services (Repealed)

- a) The Department will notify all applicants for and families receiving APBG in writing and orally of programs and supportive services available to them for which they are eligible and the rights responsibilities and obligations of participants in the program.
- b) The Department will respond to a request for child care within 45 days from the date the request is received by the Department.

(Source: Repealed at 21 Ill. Reg. 112.356, effective

Section 112.358 Participant Rights and Responsibilities (Repealed)

a) Hearings and Conciliation

- 1) Persons receiving APBG are entitled to hearings as provided at 89 Ill. Adm. Code 104. SUBPART A or conciliation procedures as provided in Section 112.77 as appropriate on issues concerning the appropriateness of denial of prompt issuance of, or intended actions to discontinue, terminate, suspend or reduce ongoing assistance under this Part. However, changes in the manner of payment for on-going child-care assistance are not subject to timely notice requirements unless they result in a discontinuance, suspension, reduction or termination of benefits or they force a change in child-care arrangements.

- 2) Assistance under this Subpart will not be continued at the previous level pending a hearing.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- b) Child-care services received by a family must be reasonably related to the hours of training or employment.
- c) In cases where more than one type of child-care is available (e.g., center, home, etc.), the caretaker relative may choose the arrangement.
- d) In the case of a family which was receiving APBE benefits on October 13, 1980, based on the application of the child-care disregard at Section 112.143 or through the provision of special needs (see Section 112.308), if the family would be disadvantaged as a result of meeting the cost of child-care through another method which does not directly affect APBE eligibility and payment (including child-care needs), the family's APBE eligibility and payment (including child-care needs) will be determined as if the method of provision which was applicable on October 13, 1980, is still in effect.

(Source: Repealed at 21 Ill. Reg. 15597, effective 12/1/80)

Section 112.362 Additional Service to Secure or Maintain Child Care Arrangements (Repealed)

The Department will provide child-care for an individual receiving APBE who is waiting to enter an approved education or training program, Project Chance component or employment:

a) for a period not to exceed two weeks; or

b) for a period not to exceed one month where child-care arrangements would otherwise be lost and the subsequent activity is scheduled to begin within that period.

(Source: Repealed at 21 Ill. Reg. 15597, effective 12/1/80)

Section 112.364 Rates of Payment for Child Care (Repealed)

Rates of payment for child-care will be made in amounts not to exceed the maximum rates per child as established by the DCFS (see 09-III-Adm-Code-9567).

(Source: Repealed at 21 Ill. Reg. 15597, effective 12/1/80)

Section 112.366 Method of Providing Child Care (Repealed)

- Child-care may be provided through one of the following methods:
- a) direct payment to clients for child-care costs;
- b) arranging the child-care through eligible providers by use of purchase of service contracts or vouchers;
- c) arranging with other agencies and community volunteer groups for non-reimbursed child-care.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- d) using the child-care disregard as provided in Section 112.143; or
- e) adopting such other arrangements as the Department determines appropriate which facilitate service delivery and do not disadvantage the family receiving the service.

(Source: Repealed at 21 Ill. Reg. 15597, effective 12/1/80)

Section 112.370 Non-JOBS Education and Training Program (Repealed)

- a) The Non-JOBS Education Training Program is available to citizens who cannot, due to fiscal limitations, immediately enter the JOBS (Job Opportunity and Basic Skills) training program.
- b) Clients for whom there are no appropriate JOBS slots immediately available shall receive payment of child-care expenses under the Non-JOBS Education and Training Program if the client is in an approved activity under subsection (c) below. The policies and procedures for providing child-care shall be the same under the Non-JOBS Education and Training Programs as under the JOBS Program. (See Section 112.02(e)(3) and Sections 112.350 through 112.366.)
- c) The Non-JOBS Education and Training Program shall consist of the following components: Below Secondary Education (literacy); Basic Education; High School; Alternative High School; G-E-B; English as a Second Language; Job Skills Training (Vocational); and Postsecondary Education. The criteria for approval of an activity and for determining satisfactory participation in the activity shall be the same as under JOBS, except that the client shall not be required to participate for a minimum of twenty (20) hours per week for the activity to be approved. (See Sections 112.78(a)-(b) and (h) for approval criteria and satisfactory participation requirements for these activities.)
- d) Persons participating in the Non-JOBS Education and Training Program may be placed into JOBS as resources allow and appropriate slots become available under JOBS. In such case, the client shall be subject to all rights and responsibilities under the JOBS program as administered by the Department. A person's participation or non-participation in the Non-JOBS Education and Training Program will not in itself delay or otherwise affect his or her entry into the JOBS program nor prevent the Department from placing the person into the JOBS program.
- e) A person shall not be eligible for the Non-JOBS Education and Training Program when there is an appropriate JOBS slot immediately available for that person.

(Source: Repealed at 21 Ill. Reg. 15597, effective 12/1/80)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 112.400 Transitional Child Care Eligibility (Repealed)

- a) The Department will guarantee child care for each family with a child (as described in subsections (d) and (e)) whose eligibility for APBC benefits has ceased due to increased hours of or earning from employment or as a result of the loss of income disregards due to expiration of the time limits at Section 112.42(b).
- b) The family must request child care benefits and provide information necessary for determining eligibility and fees, such as income verification, family size, provider information, and ages of children. The family must have ceased to be eligible for APBC on or after October 17, 1989.
- d) A family is eligible to receive Transitional Child Care benefits under this Subpart to the extent such child care is necessary to permit a member of an APBC family to accept or retain employment if the family otherwise meets the conditions of eligibility.
- e) Eligibility is also provided to children who meet the criteria in subsection (d) above who would be a dependent child except for the receipt of benefits under Supplemental Security Income under Title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or foster care under Title IV-B of the Social Security Act (42 U.S.C. 676 et seq.) if the conditions of the abovementioned subsections are otherwise met.
- f) Eligibility for transitional child care benefits does not exist if a caretaker relative:
- 1) does not cooperate with child support enforcement services without good cause (see 09 Ill. Adm. Code 160.30 thru 160.45);
 - 2) is deleted from the assistance unit; and
 - 3) subsequently becomes ineligible for assistance due to increased hours of employment or earnings.

(Source: Repealed at 21 Ill. Reg. 155.00, effective _____)

Section 112.404 Duration of Eligibility for Transitional Child Care (Repealed)

- a) Eligibility for transitional child care begins with the first month for which the family is ineligible for APBC, as described at Section 112.400, and continues for a period of twelve (12) consecutive months. Families may establish eligibility for transitional child care in any month of the twelve (12) month eligibility period, and eligibility may be retroactive to the first month for which the family would have been eligible in accordance with subsection (a) above.
- c) If the caretaker relative loses a job with good cause, and finds another job, the family can qualify for the remaining portion of the twelve (12) month eligibility period.
- d) If the family re-establishes eligibility for APBC during the twelve (12) month period, it could qualify for a new twelve (12) month eligibility period if it meets the other conditions of eligibility.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- e) If the family is a participant in the Homeless Families Support Project, they are eligible for twenty-four (24) months of transitional day care as stated in subsection (a) through (d). (See Section 170.30)

(Source: Repealed at 21 Ill. Reg. 155.00, effective _____ NOV 2 1989)

Section 112.406 Loss of Eligibility for Transitional Child Care (Repealed)

The family is not eligible for transitional child care under this Subpart for any remaining portion of the twelve (12) month period, or twenty-four (24) month period, if the family is part of the Homeless Families Support Project (see Section 170.30), if the caretaker relative:

- a) terminates employment without good cause;
- b) fails to cooperate with the Department in establishing payments and enforcing child support obligations as set forth at 09 Ill. Adm. Code 160.

(Source: Repealed at 21 Ill. Reg. _____, effective _____ NOV 2 1989)

Section 112.408 Qualified Child Care Providers (Repealed)

Payment will be made for child care that otherwise meets the requirements of this Subpart and meets applicable standards of State and local law and regulation, including but not limited to licensure requirements promulgated by BPS at 09 Ill. Adm. Code 17 Subchapter (e) and Fire Prevention and Safety requirements promulgated by the Office of the State Fire Marshal at 41 Ill. Adm. Code 1007, and is provided by qualified child care providers in accordance with Section 112.354.

(Source: Repealed at 21 Ill. Reg. 155.00, effective _____)

Section 112.410 Notification of Available Services (Repealed)

- a) The Department will notify all families at the time they become ineligible for APBC of their potential eligibility for transitional child care services under this Part, in writing and orally as appropriate.
- b) Notification will include information on steps necessary to establish eligibility for benefits and the families rights and responsibilities under the program.

(Source: Repealed at 21 Ill. Reg. 155.00, effective _____)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 112.412 Participant Rights and Responsibilities (Repealed)

- a) Provision-of-benefits-under-this-Part-are-subject-to-hearing provisions-as-provided-at-89-Ill-Adm-Code-104---SUBPAR-A-7
 b) timely-notice-provisions-do-not-apply-to-changes-in-the-manner-of payment--unless-those-changes-result-in-the-discontinuation7 suspension7-reduction7-or-termination-of-benefits7-or-force-a-change in-child-care-arrangements.
 c) in-cases-where-a-family-appeals-a-decision-by-the-Department-under this-Subpart, benefits-will-continue-pending-the-hearing.
 d) Child-care-must-be-reasonably-related-to-hours-of-employment.

(Source: Repealed at 21 Ill. Reg. 15597, effective

Section 112.414 Child Care Overpayments and Recoveries (Repealed)

A-child-care-overpayment-is-financial-assistance--incorrectly--issued--for--the payment--of--child--care--services--needed--by--a-client--because--of--employment education--or--training--All-child-care-overpayments-made-to-a-client--or--to--a client's--child--care-provider--will--be--recovered--or--recouped--Recovery-will-be made-whether-or-not-the-client-is-currently-receiving-assistance.

(Source: Repealed at 21 Ill. Reg. 15597, effective

Section 112.416 Fees for Service for Transitional Child Care (Repealed)

- a) Each--family--that--receives--transitional--child--care--service--under--this Part--must--contribute--toward--the--payment--for--such--child--care--based--on the-family's--ability--to--pay.
 b) Fees--will--be--assessed--in--accordance--with--the--sliding--fee--scale schedule--promulgated--by--DCFS--(see-89-Ill-Adm-Code-352).

(Source: Repealed at 21 Ill. Reg. 15597, effective

Section 112.418 Rates of Payment for Transitional Child Care (Repealed)

Rates--of--payment--for--transitional--child--care--will--be--made--in--amounts--not--to exceed--the--maximum--rates--per--child--as--established--by--the--DCFS--(see-89-Ill-Adm-Code-356).

(Source: Repealed at 21 Ill. Reg. 15597, effective

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Clean Fuel Fleet Program

- 2) Code Citation: 35 Ill. Adm. Code 241

- 3) Section Numbers: Adopted Action:

241.113 Amended

241.130 Amended

241.140 Amended

Appendix B.Table A

Appendix B.Table D

- 4) Statutory Authority: 415 ILCS 5/28.5

- 5) Effective Date of Rulemaking: November 25, 1997

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: November 20, 1997

- 9) Notice of Proposal Published in Illinois Register:

21 Ill. Reg. 9639 (July 25, 1997)

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: No substantive changes have been made. One minor editorial change was made at the request of JCAR.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: On July 7, 1997, the Illinois Environmental Protection Agency filed a proposal, pursuant to the fast-track rulemaking procedures of Section 28.5 of the Environmental Protection Act (415 ILCS 5/28.5(1996)) to amend 35 Ill. Adm. Code 241 (the Clean Fuel Fleet Program). The amendments, Docketed by the Board as R98-8, delay the Clean Fuel Program (CFPP) required under Section 182 of the Federal Clean Air Act. The amendments delay compliance for one year with the acquisition requirements of the CFPP for fleet vehicles located in or primarily operated in the Chicago area counties of Cook, DuPage, Kane, Lake, McHenry, and Will, and the Townships of Aux Sable and Goose Lake in Grundy County and the Township of Oswego in Kendall County. In addition,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the proposal includes two corrections to the credit values for Ultra Low Emission Vehicles in Appendix B, Tables A and D.

The CFFP required fleets in the Chicago ozone nonattainment area to acquire a certain percentage of low emission vehicles, if they acquired any new vehicles beginning September 1, 1997. However, federally certified low emission vehicles will not be available in sufficient numbers of types in Illinois by that date. The United States Environmental Protection Agency has approved the delay of the effective date of the CFFP to give the auto manufacturers sufficient time to produce the needed vehicles.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Amy Muran Felton, Attorney
Address: Illinois Pollution Control Board
100 West Randolph Street, Suite 11-500
Chicago, Illinois 60601
Telephone: 312-814-7011

Requests for copies of the November 20, 1997 opinion and order should be addressed to Victoria Agyeman at 312-814-3620 or at the above address and should reference Docket R98-8.

The full text of the Adopted Amendment begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

PART 241

CLEAN FUEL FLEET PROGRAM

SUBPART A: GENERAL PROVISIONS

Section
241.101 Other Definitions
241.102 Definitions
241.103 Abbreviations
241.104 Incorporations by Reference

SUBPART B: GENERAL REQUIREMENTS

Section
241.110 Applicability
241.111 Exemptions
241.112 Registration of Fleet Owners or Operators
241.113 Control Requirements
241.114 Conversions
241.115 Operating Requirements

SUBPART C: CREDITS

Section
241.130 Clean Fuel Fleet Credit Program
241.131 Credit Provisions

SUBPART D: RECORDKEEPING AND REPORTING

Section
241.140 Reporting Requirements
241.141 Recordkeeping Requirements
241.142 Report of Credit Activities

APPENDIX A Emission Standards for Clean Fuel Vehicles

TABLE A Low Emission Vehicle (LEV) Standards for Light-Duty Clean Fuel Vehicles (g/mi)
TABLE B Ultra-Low Emission Vehicle (ULEV) Standards for Light-Duty Clean Fuel Vehicles (g/mi)
TABLE C NMOG Standards for Flexible-Fueled and Dual-Fueled Vehicles
TABLE D Emission Standards for Model Year 1998 and Later Heavy-Duty Vehicles (g/bhp-hr)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

APPENDIX B

Credit Values

TABLE A Credit Generation: Acquiring a Light-Duty Clean Fuel Vehicle before MY 1999 1998 or Acquiring More Light-Duty Clean Fuel Vehicles than Required

TABLE B Credit Generation: Acquiring Light-Duty ULEV or ZEV Clean Fuel Vehicles

TABLE C Credits Needed in Lieu of Acquiring a Light-Duty LEV

TABLE D Credit Generation: Acquiring a Heavy-Duty Clean Fuel Vehicle before MY 1999 1998 or Acquiring More Heavy-Duty Clean Fuel Vehicles than Required

TABLE E Credit Generation: Acquiring Heavy-Duty ULEV or ZEV Clean Fuel Vehicles

TABLE F Credits Needed in Lieu of Acquiring a Heavy-Duty LEV

AUTHORITY: Implementing Sections 9, 9.1, and 10 and authorized by Sections 27 and 28.5 of the Environmental Protection Act [415 ILCS 5/9, 9.1, 10, 27, and 28.5].

SOURCE: Adopted in R95-12 at 19 Ill. Reg. 13265, effective September 11, 1995; amended in R98-8, at 21 Ill. Reg. 13265, effective September 11, 1998.

SUBPART B: GENERAL REQUIREMENTS

Section 241.113 Control Requirements

a) Any covered fleet owner or operator who acquires one or more new covered fleet vehicles in a model year must meet the emission standards in subsection (e) of this Section for the following percentages of new covered fleet vehicle acquisitions:

1) The portion of the acquisition of light-duty new covered fleet vehicles that must be light-duty clean fuel vehicles in any model year (MY) are as follows:

- A) In MY 1999 1998, at least 30 percent;
- B) In MY 2000 1999, at least 50 percent; and
- C) In MY 2001 2000 and every MY thereafter, at least 70 percent.

2) The portion of the acquisition of heavy-duty new covered fleet vehicles that must be heavy-duty clean fuel vehicles shall be 50 percent of the total number of heavy-duty new covered fleet vehicles acquired in each model year, commencing in MY 1999 1998 and thereafter.

b) Any fraction of a new clean fuel vehicle acquisition requirement resulting from the percentage calculation in subsection (a)(1) or (a)(2) of this Section may be carried over and added to the new clean fuel vehicle acquisition requirement in the next model year for that type of clean fuel vehicle (i.e., LDV and LDT, or HDV) in which an acquisition of such a clean fuel vehicle is required pursuant to

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

subsection (a) of this Section.

c) An owner's or operator's light-duty and heavy-duty clean fuel vehicle acquisition requirements in a given model year shall be the number of clean fuel vehicles calculated in subsections (a)(1) and (a)(2) of this Section plus any fraction of the same category and weight class (i.e., LDV/LDT or HDV) of motor vehicle acquisition requirements carried over from a preceding year.

d) Notwithstanding subsections (b) and (c) of this Section, in any model year no owner or operator shall:

- 1) Fall short of the acquisition requirements for new LDV/LDT or HDV clean fuel vehicles by an amount equal to or greater than one motor vehicle unit;
- 2) Meet the acquisition requirements for clean fuel LDVs or LDTs through acquisition of clean fuel HDVs; or
- 3) Meet the acquisition requirements for clean fuel HDVs through the acquisition of clean fuel LDVs or LDTs.

e) Motor vehicles acquired to meet the requirements of subsection (a) of this Section or Subpart C of this Part must be certified by USEPA to meet the federal emission certification standards of either LEV, ULEV, ZEV, or ILEV for a clean alternative fuel(s), as set forth in Appendix A of this Part and in 40 CFR Part 88, incorporated by reference in Section 241.104 of this Part.

f) The owner or operator must meet the acquisition requirements of subsection (a) of this Section by acquiring clean fuel vehicles or redeeming credits equal to or greater than the number of vehicle units calculated in accordance with subsection (a) of this Section through one or more of the following:

- 1) Purchase or lease of clean fuel vehicles certified by USEPA to meet any of the LEV, ULEV, ZEV, or ILEV standards referenced in subsection (e) of this Section;
- 2) Conversion of existing or new motor vehicles to meet a LEV, ULEV, ZEV or ILEV standard specified in subsection (e) of this Section, consistent with the requirements of Section 241.114 of this Subpart; or
- 3) Redeem credits generated or acquired consistent with the requirements of Subpart C of this Part.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

SUBPART C: CREDITS

Section 241.130 Clean Fuel Fleet Credit Program

a) Any owner or operator of ten or more fleet vehicles located or primarily operated in the covered area may participate in the clean fuel fleet credit program, provided that the owner or operator requests that the Agency establish a clean fuel fleet credit account

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

and complies with the registration, operating, emission standards, and recordkeeping and reporting requirements of Sections 241.112, 241.113(e), 241.115, and 241.142 of this Part, respectively, and the requirements of this Subpart and, if the vehicle for which credit is being claimed is converted, complies with the requirements of Section 241.114 of this Part.

b) Any owner or operator of a fleet may earn credits by:

- 1) Acquiring more clean fuel vehicles or fractions of clean fuel vehicles than required in any MY pursuant to Section 241.113 of this Part;
- 2) Acquiring clean fuel vehicles that meet the ULEV or ZEV standard;
- 3) Acquiring clean fuel vehicles which belong to a category of motor vehicles that are otherwise exempt under Section 241.111 of this Part; and

4) Acquiring clean fuel vehicles before September 1, 1998 1997, if the requirements of Section 241.112 of this Part have been met.

c) Credits will be generated, redeemed, or traded after the owner or operator submits the information listed in Section 241.140(a) and (b) of this Part to the Agency for each clean fuel vehicle involved in the credit transaction, requests that a credit transaction be posted and states the number of credits added to and subtracted from the credit accounts, and the Agency has received and reviewed the submittal. Credit transactions must be authorized by the owner or operator whose account is being reduced. The Agency will review, and add to and subtract from, credit accounts, according to the criteria of this Subpart and Appendix B of this Part.

d) Credits shall be designated by the Agency at the time of issuance as either LDV/LDT credits or HDV credits. LDV/LDT credits may not be exchanged for HDV credits and HDV credits may not be exchanged for LDV/LDT credits.

e) Notwithstanding subsection (b) of this Section, if a clean fuel vehicle has ever been used to demonstrate compliance under Subpart B of this Part, or used to generate credits under this Subpart, such clean fuel vehicle may never be used by any other person for the purpose of generating credits under this Subpart.

(Source: Amended at 21 Ill. Reg. 10.03, effective _____)

SUBPART D: RECORDKEEPING AND REPORTING

Section 241.140 Reporting Requirements

By November 1, 1999 1998, and by November 1 every year thereafter, the owner or operator of a covered fleet must submit the following information about its activities during the prior model year to the Agency:

- a) For each motor vehicle newly acquired or being used to earn credits, which also includes motor vehicles converted to clean fuel vehicles:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The make, model, and year of manufacture;
- 2) The date of vehicle acquisition;

3) The vehicle identification number (VIN);

4) The GVWR, as specified by the manufacturer;

5) If the motor vehicle is being used to earn credits, the LVW for LDVs whose GVWR is less than or equal to 6,000 lbs and the ALVW for LDTs whose GVWR is greater than 6,000 lbs;

6) The license plate number and state registered in; and

7) A statement of whether the motor vehicle is exempt pursuant to Section 241.111 of this Part and which exemption applies.

b) For each clean fuel vehicle newly acquired or being used to earn credits, which also includes motor vehicles converted to clean fuel vehicles:

1) The low emission standard(s) to which the motor vehicle is certified by USEPA, consistent with Section 241.113(e) of this Part;

2) The clean alternative fuel(s) to which the motor vehicle is certified to operate by the manufacturer in order to meet the federal low emission standard(s) in Section 241.113(e) of this Part;

3) The 8-character alpha numeric bar-coded vehicle emission configuration number; and

4) For motor vehicles converted to clean fuel vehicles pursuant to Section 241.114 of this Part:

A) The date the motor vehicle was converted;

B) The name and address of the person(s) or firm performing the conversion; and

C) A statement that, to the best of the owner's or operator's knowledge, the motor vehicle was converted in accordance with the applicable requirements of 40 CFR Part 88, incorporated by reference in Section 241.104 of this Part.

c) In addition to the information required in subsections (a) and (b) of this Section, the owner or operator must state:

1) The number, to the nearest tenth, of clean fuel vehicles the owner or operator was required to acquire pursuant to Section 241.113 of this Part;

2) How that obligation was met;

3) If any of the clean fuel vehicles in the fleet used for compliance or credits in the last two model years are no longer part of the fleet, the VIN and the date the clean fuel vehicle was transferred or taken out of service; and

4) If the fleet vehicles are centrally fueled at a location that is owned, operated or controlled by the covered fleet owner or operator, the amount of bulk fuel purchased by type of fuel.

d) All reports to the Agency must include the owner's or operator's fleet registration number, the name of the operation, and the signature of the owner or operator.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 21 Ill. Reg. 100.0000 effective 1/1/00)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 241. APPENDIX B Credit Values

TABLE A Credit Generation: Acquiring a Light-Duty Clean Fuel Vehicle before MY 1999 or Acquiring More Light-Duty Clean Fuel Vehicles than Required

TYPE	LDV, LDT ≤6000 GVWR ≤3750 LVW	LDT ≤6000 GVWR ≤3750 LVW ≤5750 LVW	LDT >6000 GVWR <3750 ALVW	LDT >6000 GVWR >3750 ALVW ≤5750 ALVW	LDT >6000 GVWR >5750 ALVW
LEV	1.00	1.26	0.71	0.91	1.11
ULEV	1.20	1.54	1.00	1.26±.29	1.56±.47
ZEV	1.43	1.83	1.43	1.83	2.23

(Source: Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TABLE D Credit Generation: Acquiring a Heavy-Duty Clean Fuel Vehicle before MY 1999 1998 or Acquiring More Heavy-Duty Clean Fuel Vehicles than Required

VEHICLE TYPE	HDV
LEV	1.00
ULEV	1.87
ZEV	3.53

(Source: Amended at 21 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

1) Heading of the Part: Emissions Reduction Market System

2) Code Citation: 35 Ill. Adm. Code 205

3) Section Number:
 205.100 New
 205.110 New
 205.120 New
 205.130 New
 205.150 New
 205.200 New
 205.205 New
 205.210 New
 205.220 New
 205.225 New
 205.300 New
 205.310 New
 205.315 New
 205.318 New
 205.320 New
 205.330 New
 205.335 New
 205.337 New
 205.400 New
 205.405 New
 205.410 New
 205.500 New
 205.510 New
 205.600 New
 205.610 New
 205.620 New
 205.630 New
 205.700 New
 205.710 New
 205.720 New
 205.730 New
 205.740 New
 205.750 New
 205.760 New

4) Statutory Authority: 415 ILCS 5/9.8, 27 and 28

5) Effective Date of Rule(s) (Amendments, Repealer): November 25, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule (amendment, repealer) contain incorporation by reference?
 No

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- 8) Date Filed in Agency's Principal Office: The final opinion and order was adopted in R97-13 on November 20, 1997.
- 9) Notice(s) of Proposal Published in Illinois Register: 21 Ill. Reg. 9649, July 25, 1997
- 10) Has JCAR issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between proposal and final version:
- In the Table of Contents, for the title of Section 205.220, deleted "s" at the end of "Emissions" and Deleted "or Activities"
- In the Source note, replaced "21" with "22"
- In Section 205.110(c), deleted "being"
- In Section 205.110(d), deleted "stationary" and after "sources" added "subject to the ERMS regulatory program"
- In Section 205.110(d), deleted "sectors" and after "all" added "emission sources"
- In Section 205.120, for citation to the Environmental Protection Act, deleted "1 et seq." after "5"
- In Section 205.120, added "BAT" and "Best Available Technology"
- In Section 205.120, made the following revisions to the citation for the Clean Air Act as amended in 1990: (42 U.S.C. 7401 through 7671g et-seq.)
- In Section 205.120, added "USEPA" and "United States Environmental Protection Agency"
- In Section 205.130, in the sentence before the first definition, added "[415 ILCS 5/39.5]" after "Act"
- In Section 205.130, for the definition of "account officer," made the following revisions: 205.620 520 of this Part
- In Section 205.130, for the definition of "baseline emissions," made the following revisions: historical operations as determined under Subpart C of this Part--adjusted--so--that--credit--is--allowed--for--voluntary--VOM emissions--reductions--beyond--reductions--required--by--applicable--requirements effective--in--1996--as--specified--in--Section--205-320--of--this--Part.
- In Section 205.130, for the definition of "Best Available Technology (BAT)," made the following revisions: "Best Available Technology" or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- "(BAT)"
- In Section 205.130, for the definition of "Best Available Technology (BAT)," added an "s" at the end of "technique"
- In Section 205.130, for the definition of "Best Available Technology (BAT)," added an "s" at the end of "technique"
- In Section 205.130, for the definition of "Best Available Technology (BAT)," added the following after "used for the unit.": BAT for an emission unit shall not be more stringent than Best Available Control Technology (BACT) as would be determined contemporaneously for such unit under the federal rules for Prevention of Significant Deterioration of Air Quality (PSD), 40 CFR 52.21 (1996).
- In Section 205.130, for the definition of "CAAPP," made the following revisions: Act- [415 ILCS 5/39.5(1996)]
- In Section 205.130, for the definition of "Excursion Compensation Notice," made the following revisions: 205.720 620
- In Section 205.130, for the definition of "participating source," added comma after "part"
- In Section 205.130, for the definition of "reconciliation period," added "of each year" after "December 31"
- In Section 205.130, for the definition of "special participant," made the following revisions: Agency and ~~may is-allowed-to~~ purchase and retire ATUs but not sell ATUs, as specified in Section 205.610 510 of this Part.
- In Section 205.150(c), added a comma after "reconciliation period"
- In Section 205.150(c)(1), made the following revisions: in Sections 205.220, 205.225, 205.315, 205.320(e)(3) or (1)44 and 205.750 650 of this Part; or
- In Section 205.150(c)(2), added "on or" after "Code 203" and added a comma after "Additionally"
- In Section 205.150(d), added a comma after "reconciliation period"
- In Section 205.150(d)(2), made the following revisions: in Sections 205.220, 205.225 and 205.750 650 of this Part.
- In Section 205.150(e), added "on or" after "modification"
- In Section 205.150(e), deleted "emitted by such new or attributable to this modified unit" and added the following after "seasonal allotment period": ", in accordance with subsection (c)(2) or (d)(1) of this Section, as applicable,"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

In Section 205.200, added comma after "as specified in Section 205.320(a) of this Part"

In Section 205.200(c), added "on or" after "time"

In Section 205.205(a)(1), replaced "January" with "March"

In Section 205.205(b), made the following revisions: ~~decides~~ to reduce

In Section 205.205(b), replaced "January" with "March"

In the title for Section 205.220, deleted "s" at the end of "Emissions" and deleted "or Activities"

In Section 205.220, deleted "or activities" after "units"

In Section 205.220, added "or new participating" after "participating"

In Section 205.225, added "or new participating" after "Participating"

In Section 205.300(a)(2), deleted "or activities"

In Section 205.300(b), deleted "or activities"

In Section 205.300(b)(4), made the following revisions: 205.750 650

In Section 205.300(b)(5), replaced "Part" with "Subpart"

In Section 205.310(a)(1), replaced "January" with "March"

In Section 205.310(b), added "[415 ILCS 5/39.5]" after "Act"

In Section 205.310(e), after "Within 120 days" replaced "of" with "after"

In Section 205.310(e), after "Act" added "[415 ILCS 5/39.5(8)]"

In Section 205.310(e), deleted "[415 ILCS 5/39.5(8) (1996).]"

In Section 205.310(g)(1), replaced "Section" with "Sections"

In Section 205.310(h), added a comma after "modified emission unit"

In Section 205.310(h), added "for" after "submit a written request"

In Section 205.315(a), made the following revisions: Section 40.2 of the Act: [415 ILCS 5/40.2 (1996)]. If the permit conditions establishing a source's baseline emissions are appealed, the baseline emissions for the source shall be as proposed in the source's ERMS application during

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

the pendency of during the appeal. During the pendency of the appeal, ATUS shall be allotted to the source pursuant to this baseline emissions amount, reduced in accordance with Section 205.400(e) of this Part, but such source shall not be allowed to sell or use the portion of the ATUS that are attributed to the part of the source's proposed baseline emissions that is not disputed in the appeal. were denied by the Agency and are under review by the Board to meet its seasonal emissions, the allotted ATUS that are under review will expire two years after the date of the final decision which allows the source to use or sell the ATUS under appeal instead of two years after the issuance as set forth at Section 205.400(b). If such source's seasonal VOM emissions exceed the ATUS it holds at the end of reconciliation periods during the pendency of the appeal, the source will not be deemed to have had an emissions excursion to the extent that such seasonal VOM emissions do not exceed the amount it proposed as its baseline in its ERMS application, less reductions required pursuant to Section 205.400(c) or (e) of this Part, if applicable. Such source shall not be allowed to sell ATUS during the pendency of the appeal.

In Section 205.315(b), added "[415 ILCS 5/40.2]" after "Act"

In Section 205.315(c), added "[415 ILCS 5/40.2]" after "Act"

In Section 205.315(c), made the following revisions: Agency's BAT best available technology determination is appealed, ATUS shall be allotted to the source for any emission unit for which the Agency's BAT best available technology (BAT) determination is being appealed without the emissions reduction otherwise required by Section 205.400(c) or (e) of this Part during the pendency of the appeal. The source however cannot sell or use the portion of the ATUS to meet its seasonal emissions that are attributed to the emission unit(s) that the Agency as meeting BAT and are under review by the Board. The allotted ATUS that are under review will expire two years after the date of the final decision that determines that these emission units are using BAT instead of two years after the issuance as set forth at Section 205.400(b). If the seasonal VOM emissions for the subject emission unit(s) exceed the ATUS that are attributed to the unit(s) during the pendency of the appeal, the source will not be deemed to have an emissions excursion to the extent that such seasonal VOM emissions do not exceed the amount of ATUS that would be attributed to this unit if the BAT exclusion was accepted. Such source shall not be allowed to sell ATUS during the pendency of the appeal.

In Section 205.315(e), added "[415 ILCS 5/39.5]" after "Act"

In Section 205.315(f), made the following revisions: When a CAAPP A permit for a participating source is may be transferred from the current permittee to another person in accordance with the following:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- In Section 205.315(h), replaced "Sections" with "Section"
- In Section 205.318, replaced "January" with "March"
- In Section 205.320(a), replaced "subsections (b) or (c)" with "subsection (b) or (c)"
- In Section 205.320(a)(1), deleted comma after "1995"

In Section 205.320(a)(2), made the following revisions: Any source may propose to substitute seasonal emissions on a year-for-year basis due to non-representative conditions in 1994, 1995, or 1996, but must stay within the period from 1990 through 1997, and must have accurate seasonal emissions data for the substitute year(s). When considering whether to substitute a seasonal baseline emission year(s), the Agency must consider the information submitted by the source pursuant to Section 205.310(b)(1)(B) of this Subpart, as well as the accuracy of that data. For the purposes of this subsection (a)(2), "non-representative conditions" include, but are not limited to, events such as strikes, fires, floods and market conditions.

In Section 205.320(b), added "equal or" after "in which the sources emissions"

In Section 205.320(c), added the following after "such application.": For the purposes of this subsection, "non-representative conditions" include, but are not limited to, conditions such as strikes, fires, floods and market conditions.

In Section 205.320(d), replaced "September 30" with "October 31"

In Section 205.320(d)(2), deleted "or process"

In Section 205.320(d)(3), deleted "or process"

In Section 205.320(e)(3)(B), made the following revisions: ~~that the amount of actual VOM emissions for the seasonal allotment period are in an amount not greater than the difference between the source's actual emissions to the extent allowed in the variance, consent order or CAAPP permit compliance scheduler and the amount of VOM emissions that would be emitted if in full compliance;~~

In Section 205.320(g), added comma after "entered into prior to January 1, 1998"

In Section 205.320(g)(2), made the following revisions: The Agency has not relied upon the emission reduction credits to demonstrate for attainment or reasonable further progress demonstration purposes.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- In Section 205.337(b)(1), added "[415 ILCS 5/39.5]" after "Act"
- In Section 205.337(b)(3), added "in accordance with Section 205.400(c) of this Part" after "ATUs"
- In Section 205.400(b), deleted "205.315(a) and (c)."
- In Section 205.400(b), added "of this Part" after "205.510"
- In Section 205.400(d), made the following revisions: to the Board, in accordance with the rulemaking provisions of Sections 9.8, 27 and 28 of the Act [415 ILCS 5/9.8, 27 and 28], that further reductions are needed in accordance with the rulemaking provisions of Sections 9.8, 27 and 28 of the Act. An allotment or a baseline under this Part does not constitute a property right. Nothing in this Part shall be construed to limit the authority of the Board to terminate or limit such allotment or baseline pursuant to its rulemaking authority under Sections 9.8, 27 and 28 of the Act [415 ILCS 5/9.8, 27 and 28].
- In Section 205.400(e), replaced "is revised" with "are increased"
- In Section 205.400(e), after "205.405 of this" replaced "Part" with "Subpart"
- In Section 205.400(g), made the following revisions: ~~more than 10 tons or more~~
- In Section 205.405(a), made the following revisions: emission units or activities, if satisfying subsection (a)(1), (a)(2) or (a)(3) of this Section prior to May 1, 1999, shall be excluded from the VOM emissions reductions requirements specified in Section 205.400(c) and (e) of this Subpart as long as such emission units continue to satisfy subsection (a)(1), (a)(2) or (a)(3) of this Section:
- In Section 205.405(a)(1), deleted "or activities"
- In Section 205.405(b), made the following revisions: emission unit in operation prior to 1999 is using, prior to May 1, 1999, BAT the best available technology for controlling VOM emissions, VOM emissions from such emission units shall not be subject to the VOM emissions reductions requirement specified in Section 205.400(c) or (e) of this Subpart as long as such emission unit continues to use such BAT.
- In Section 205.405(b)(3), replaced "best available technology" with "BAT"
- In Section 205.405(b)(6), replaced "best available technology" with "BAT"
- In Section 205.405(c), added "under subsection (a) or (b) of this Section"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

after "reductions"

In Section 205.410(a), deleted ", except as provided in subsection (d),"

In Section 205.410(b), made the following revisions: operations, in accordance with subsection (a) of this Section, ~~and withdraws its CAAPP permit~~

In Section 205.410(c), added ", in accordance with subsection (a) of this Section," after "operations"

In Section 205.410(c), added the following after "renewal.": Any ATUS issued pursuant to a transfer agreement entered into under this subsection before shut down of all operations of the participating source shall not be subject to subsection (a) of this Section.

Deleted Section 205.410(d)

In Section 205.500, after "source or group of sources" added "located in the Chicago ozone nonattainment area"

Deleted "or" after Section 205.500(a)(2)

In Section 205.500(a)(3) replaced period after 1996 with "; or"

Added the following as a new Section 205.500(a)(4):

- 4) The source shuts down operations or curtails seasonal production activity as described in subsections (a)(2) and (a)(3) of this Section, respectively, and the VOM emissions from the shut down activity or activities or curtailment will be distributed to a participating or new participating source or sources within the Chicago ozone nonattainment area, and the proposal provides that all ATUS issued pursuant to this Section on account of such shut down or curtailment are to be issued to the corresponding participating or new participating source or sources.

In Section 205.500(c), added "[415 ILCS 5/39.5]" after "Act"

In Section 205.500(d)(3), made the following revisions: subsections (a)(2), ~~or~~ (a)(3) ~~or~~ (a)(4) of this Section ~~respectively~~;

In Section 205.500(d)(4), made the following revisions: subsection (a)(3) ~~or~~ (a)(4) of this Section;

In Section 205.500(f), made the following revisions: subsection (a)(2) ~~or~~ (a)(4) of this Section,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

In Section 205.500(g), made the following revisions: notify the participating source, new participating source or general participant ~~applicant~~ in writing of its final decision with respect to the proposal within 45 days after of receipt

In Section 205.500(h)(3), made the following revisions: subsection (a)(2) ~~or~~ (a)(4) of this Section,

After Section 205.500(h)(6), deleted "and"

In Section 205.500(h)(7), made the following revisions: ATUS issued pursuant to this subsection shall be valid for the seasonal allotment period following issuance and for the next seasonal allotment period; ~~and~~ Added the following as a new Section 205.500(h)(8):

- 8) The number of ATUS issued pursuant to subsection (h)(2) or (h)(3) of this Section based on a proposal under subsection (a)(4) of this Section shall be equal to the number of ATUS otherwise issuable under this Section reduced by 12 percent.

In Section 205.510(a), after "within 45 days" replaced "of" with "after"

In Section 205.510(b), after "within 90 days" replaced "of" with "after"

In Section 205.510(d), added the following after "in the proposal.": Such ATUS shall only be valid for the seasonal allotment period in which the emissions reductions were achieved, unless the Agency specifies in its approval that such ATUS shall be valid for the seasonal allotment period following issuance and for the next seasonal allotment period.

In Section 205.600(a)(1), deleted comma after "Date issued"

In Section 205.600(a)(2), made the following revision: transferred, and source

In Section 205.620(a), made the following revisions: must have ~~an~~ at least one account officer designated for each of its Transaction Accounts. The account officer(s) shall be the only person(s) authorized

In Section 205.620(a)(5), replaced "this Part" with "35 Ill. Adm. Code 205"

In Section 205.620(b), replaced "applicant" with "candidate"

In Section 205.620(b)(2), replaced "Databases" with "databases"

In Section 205.630(d)(3), made the following revision: 205.720 ~~799~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

account for their VOM emissions from the prior ozone season. An ATU represents 200 lbs of VOM emissions and may be bought and sold in a market established by the rules. In an effort to assist in achieving required VOM emissions reductions in the Chicago ozone nonattainment area, the Illinois Environmental Protection Agency will issue an allotment of ATUs to a participating source for each ozone season based on its past emissions minus 12%, while a new participating source will not be issued its own allotment of ATUs. Some sources may need to buy ATUs to account for their emissions from the prior ozone season, while other sources that sufficiently reduce their ozone season emissions may not need to purchase ATUs and may sell any extra ATUs.

- 16) Information and questions regarding this adopted rule shall be directed to:

Richard R. McGill, Jr., Attorney
 Illinois Pollution Control Board
 100 W. Randolph Street
 Suite 11-500
 Chicago, IL 60601
 312-814-6983

Requests for copies of the Illinois Pollution Control Board's November 20, 1997, opinion and order in R97-13 should be directed to Victoria Agyman at 312-814-3620 or at the above address and should refer to docket R97-13.

The full text of the adopted rule(s) begins on the following page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE B: AIR POLLUTION

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER b: ALTERNATIVE REDUCTION PROGRAM

PART 205

EMISSIONS REDUCTION MARKET SYSTEM

SUBPART A: GENERAL PROVISIONS

Section	Severability
205.100	
205.110	Purpose
205.120	Abbreviations and Acronyms
205.130	Definitions
205.150	Emissions Management Periods

SUBPART B: APPLICABILITY

Section	Participating Source
205.200	
205.205	Exempt Source
205.210	New Participating Source
205.220	Insignificant Emission Units
205.225	Startup, Malfunction or Breakdown

SUBPART C: OPERATIONAL IMPLEMENTATION

Section	Seasonal Emissions Component of the Annual Emissions Report
205.300	
205.310	ERMS Applications
205.315	CAAPP Permits for ERMS Sources
205.318	Certification for Exempt CAAPP Sources
205.320	Baseline Emissions
205.330	Emissions Determination Methods
205.335	Sampling, Testing, Monitoring and Recordkeeping Practices
205.337	Changes in Emissions Determination Methods and Sampling, Testing, Monitoring and Recordkeeping Practices

SUBPART D: SEASONAL EMISSIONS MANAGEMENT

Section	Seasonal Emissions Allotment
205.400	
205.405	Exclusions from Further Reductions
205.410	Participating Source Shutdowns

SUBPART E: ALTERNATIVE ATU GENERATION

Section	Emissions Reduction Generator
205.500	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

205.510 Inter-Sector Transaction

SUBPART F: MARKET TRANSACTIONS

- Section
 205.600 ERMS Database
 205.610 Application for Transaction Account
 205.620 Account Officer
 205.630 ATU Transaction Procedures

SUBPART G: PERFORMANCE ACCOUNTABILITY

- Section
 205.700 Compliance Accounting
 205.710 Alternative Compliance Market Account (ACMA)
 205.720 Emissions Excursion Compensation
 205.730 Excursion Reporting
 205.740 Enforcement Authority
 205.750 Emergency Conditions
 205.760 Market System Review Procedures

AUTHORITY: Implementing Section 9.8 and authorized by Sections 27 and 28 of the Environmental Protection Act [415 ILCS 5/9.8, 27 and 28].

SOURCE: Adopted at 21 Ill. Reg. 1603, effective

SUBPART A: GENERAL PROVISIONS

Section 205.100 Severability

If any Section, subsection, sentence or clause of this Part is judged invalid, such adjudication shall not affect the validity of this Part as a whole or of any Section, subsection, sentence or clause thereof not judged invalid.

Section 205.110 Purpose

The purpose of this Part is to implement the Emissions Reduction Market System (ERMS) regulatory program consistent with the assurances that are specified in Section 9.8 of the Environmental Protection Act [415 ILCS 5/9.8]. The ERMS is designed, as further specified in this Part, to achieve the following:

- Implement innovative and cost-effective strategies to attain the national ambient air quality standard (NAAQS) for ozone and to meet the requirements of the Clean Air Act;
- Increase flexibility for participating sources and lessen the economic impacts associated with implementation of the Clean Air Act;
- Take into account the findings of the national ozone transport assessment coordinated by the Environmental Council of States with

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- participation by the United States Environmental Protection Agency and by the Lake Michigan Air Directors Consortium; and
- Assure that sources subject to the ERMS regulatory program will not be required to reduce emissions to an extent that exceeds their proportionate share of the total emissions reductions required of all emission sources, including mobile and area sources.

Section 205.120 Abbreviations and Acronyms

Unless otherwise specified within this Part, the abbreviations used in this Part shall be the same as those found in 35 Ill. Adm. Code 211. The following abbreviations and acronyms are used in this Part:

ACMA	Alternative Compliance Market Account
Act	Environmental Protection Act [415 ILCS 5]
ATU	Allotment Trading Unit
BAT	Best Available Technology
CAA	Clean Air Act as amended in 1990 [42 U.S.C. 7401 through 7671q]
CAAPP	Clean Air Act Permit Program
ERMS	Emissions Reduction Market System
LAER	Lowest Achievable Emission Rate
MACT	Maximum Achievable Control Technology
NAAQS	National Ambient Air Quality Standard
NESHAP	National Emission Standards for Hazardous Air Pollutants
IFP	Reasonable Further Progress
ROP	Rate of Progress
USEPA	United States Environmental Protection Agency
VOM	Volatile Organic Material

Section 205.130 Definitions

Unless otherwise specified within this Part, the definitions for the terms used in this Part shall be the same as those found in Section 39.5 of the Act [415 ILCS 5/39.5] and in 35 Ill. Adm. Code 211.

"Account officer" means a natural person who has been approved by the Agency, as specified in Section 205.620 of this Part, and is subsequently responsible for one or more Transaction Accounts to which he or she is designated.

"Allotment" means the number of allotment trading units (ATUs) allotted to a source by the Agency, as established in the source's CAAPP permit.

"Allotment Trading Unit (ATU)" means a tradable unit that represents 200 lbs of VOM emissions and is a limited authorization to emit 200 lbs of VOM emissions during the seasonal allotment period.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

"Annual Emissions Report" means the report submitted to the Agency annually pursuant to 35 Ill. Adm. Code 254.

"Baseline emissions" means a participating source's VOM emissions for the seasonal allotment period based on historical operations as determined under Subpart C of this Part. Baseline emissions shall be the basis of the allotment for each participating source.

"Best Available Technology (BAT)" means an emission level based on the maximum degree of reduction of VOM emitted from or which results from any emission unit, which the Agency, on a case-by-case basis, taking into account energy, environmental and economic impacts, determines is achievable for such unit through application of production processes and available methods, systems, and techniques for control of VOM, considering the features and production process and control methods, systems and techniques already used for the unit. BAT for an emission unit shall not be more stringent than Best Available Control Technology (BACT) as would be determined contemporaneously for such unit under the federal rules for prevention of Significant Deterioration of Air Quality (PSD), 40 CFR 52.21 (1996). In no event shall application of "best available technology" result in emissions of VOM which exceed the emissions allowed by any standard established pursuant to Section 111 of the Clean Air Act, if such a standard is applicable to the category of emission unit.

"CAAPP" means the Clean Air Act Permit Program, pursuant to Section 39.5 of the Act [415 ILCS 5/39.5].

"Chicago ozone nonattainment area" means the area composed of Cook, DuPage, Kane, Lake, McHenry, and Will Counties and Aux Sable Township and Goose Lake Township in Grundy County and Oswego Township in Kendall County.

"Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, such as an act of God, that requires immediate corrective action to restore normal operation.

"Emissions excursion" refers to the event that occurs when a participating source or new participating source does not hold sufficient ATUs at the end of a reconciliation period to account for its VOM emissions from the preceding seasonal allotment period, in accordance with Section 205.150(c) or (d) of this Subpart.

"Excursion Compensation Notice" means an administrative notice issued by the Agency, pursuant to Section 205.720 of this Part, that notifies the owner or operator of a participating source or new participating source that the Agency has determined that the source has had an

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

emissions excursion.

"General participant" means any person, other than a participating source or new participating source, that obtains a Transaction Account and is allowed to buy and sell ATUs.

"New participating source" means a source not operating prior to May 1, 1999, located in the Chicago ozone nonattainment area, that is required to obtain a CAAPP permit and has or will have seasonal emissions of at least 10 tons of VOM.

"Participating source" means a source operating prior to May 1, 1999, located in the Chicago ozone nonattainment area, that is required to obtain a CAAPP permit and has baseline emissions of at least 10 tons, as specified in Section 205.320(a) of this Part, or seasonal emissions of at least 10 tons in any seasonal allotment period beginning in 1999.

"Reconciliation period" means the period from October 1 through December 31 of each year during which the owner or operator of a participating source or new participating source must compile actual VOM emissions for the previous seasonal allotment period and may also buy or sell ATUs so that sufficient ATUs are held by the source by the conclusion of the reconciliation period.

"Seasonal allotment period" means the period from May 1 through September 30 of each year.

"Seasonal emissions" means actual VOM emissions at a source that occur during a seasonal allotment period.

"Sell" means to transfer ATUs to another person through sale, lease, trade or other means of transfer.

"Special participant" means any person that registers with the Agency and may purchase and retire ATUs but not sell ATUs, as specified in Section 205.610 of this Part.

"Throughput" means the activity of an emission unit during a particular period relevant to its generation of VOM emissions, including, but not limited to, the amount of material transferred for a liquid storage operation, the amount of material processed through or produced by the emission unit, fuel usage, or the weight or volume of coatings or inks.

"Transaction Account" means an account authorized by the Agency or its designee that allows an account officer to buy or sell ATUs.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Section 205.150 Emissions Management Periods

- a) The VOM emissions control period is the seasonal allotment period, which is from May 1 through September 30, annually.
- b) The reconciliation period is from October 1 to December 31, annually. During each reconciliation period, participating sources and new participating sources shall:
 - 1) Compile data of actual VOM emissions during the immediately preceding seasonal allotment period; and
 - 2) Submit its seasonal emissions component of its Annual Emissions Report, in accordance with Section 205.300 of this Part.
- c) At the end of each reconciliation period, on and after the dates specified in Section 205.200 of this Part, each participating source shall:
 - 1) Hold ATUs in an amount not less than its VOM emissions during the preceding seasonal allotment period, except as provided in Sections 205.220, 205.225, 205.315, 205.320(e)(3) or (f) and 205.750 of this Part; or
 - 2) Hold ATUs in an amount not less than 1.3 times its seasonal emissions attributable to a major modification during the preceding seasonal allotment period, if a participating source commences operation of a major modification pursuant to 35 Ill. Adm. Code 203 on or after May 1, 1999. Additionally, such source must hold ATUs in accordance with subsection (c)(1) of this Section for VOM emissions not attributable to this major modification during the preceding seasonal allotment period.
- d) At the end of each reconciliation period, on and after the date on which the source commences operation, as specified in Section 205.210 of this Part, each new participating source shall:
 - 1) If the new participating source is a new major source pursuant to 35 Ill. Adm. Code 203, hold ATUs in an amount not less than 1.3 times its VOM emissions during the preceding seasonal allotment period; or
 - 2) If the new participating source is not a new major source pursuant to 35 Ill. Adm. Code 203, hold ATUs in an amount not less than its VOM emissions during the preceding seasonal allotment period, except as provided in Sections 205.220, 205.225 and 205.750 of this Part.
- e) Any participating source that commences operation of a major modification on or after May 1, 1999, or any new participating source that is a new major source, which, at the end of each reconciliation period, holds ATUs in an amount not less than 1.3 times the VOM emissions during the preceding seasonal allotment period, in accordance with subsection (c)(2) or (d)(1) of this Section, as applicable, shall be deemed to have satisfied the offset requirements of 35 Ill. Adm. Code 203.302(a), 203.602 and 203.701.

SUBPART B: APPLICABILITY

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Section 205.200 Participating Source

The requirements of this Part shall apply to any source operating prior to May 1, 1999, located in the Chicago ozone nonattainment area, that is required to obtain a CAAPP permit and has baseline emissions of at least 10 tons, as specified in Section 205.320(a) of this Part, or seasonal emissions of at least 10 tons in any seasonal allotment period beginning in 1999. Each participating source shall hold ATUs, as specified in Section 205.150(c) of this Part, in accordance with the following schedule:

- a) For any participating source that has baseline emissions of at least 10 tons of VOM, as determined in accordance with Section 205.320(a) of this Part, beginning with the 1999 seasonal allotment period;
- b) For any source that first becomes a participating source because its VOM emissions increase to 10 tons per season or more in any seasonal allotment period beginning with 1999 and this emissions increase is not a major modification pursuant to 35 Ill. Adm. Code 203, beginning with the first seasonal allotment period after such increased emissions occurred; or
- c) For any source that will first be subject to the requirements of this Part because of a VOM emissions increase at any time on or after May 1, 1999 that constitutes a major modification pursuant to 35 Ill. Adm. Code 203, upon commencing operation of this modification.

Section 205.205 Exempt Source

- a) Any source that otherwise meets the criteria for participating sources shall be exempt from the requirements of this Part if the source accepts a 15 tons per seasonal allotment period limit on its VOM emissions in its CAAPP permit for each seasonal allotment period in which the source would be required to participate in the ERMS in accordance with the following:
 - 1) If the source would be required to participate in the ERMS beginning with the 1999 seasonal allotment period in accordance with Section 205.200(a) of this Subpart, such source shall apply for the applicable permit limitation by March 1, 1998; or
 - 2) If the source is required to participate in the ERMS in any seasonal allotment period after 1999 because its VOM emissions increase to 10 tons or more in any seasonal allotment period beginning with 1999 in accordance with Section 205.200(b) of this Subpart, such source shall apply for the applicable permit limitation by December 1 of the first year in which its seasonal emissions are at least 10 tons.
- b) Any source that otherwise meets the criteria for participating sources shall be exempt from the requirements of this Part, except that any such source shall be required to submit the seasonal emissions component of the Annual Emissions Report and an ERMS application as specified in Sections 205.300 and 205.310(d) of this Part, respectively, if such source reduces its seasonal emissions by at

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

least 18 percent beginning in 1999. Any such source shall accept conditions in its CAAPP permit limiting its seasonal emissions to at least 18 percent less than its baseline emissions, as determined in accordance with Section 205.320 of this Part. Any such source shall apply for the applicable permit limitation(s) by March 1, 1998. ATUs equivalent to any amount of VOM emissions reductions achieved by the source beyond 12 percent (at least six percent) shall be issued by the Agency to the ACWA.

Section 205.210 New Participating Source

The requirements of this Part shall apply to any new participating source, a source not operating prior to May 1, 1999, located in the Chicago ozone nonattainment area, that is required to obtain a CAAPP permit and has or will have seasonal emissions of at least 10 tons of VOM. Each new participating source shall hold ATUs, as specified in Section 205.150(d) of this Part, upon commencing operation.

Section 205.220 Insignificant Emission Units

Emission units identified as insignificant activities pursuant to the CAAPP permit for each participating or new participating source are exempt from the requirements of this Part.

Section 205.225 Startup, Malfunction or Breakdown

Participating or new participating sources permitted to operate during startup, malfunction or breakdown pursuant to 35 Ill. Adm. Code 201.262, 270.407 and 270.408 are not required to hold ATUs for excess VOM emission during startup, malfunction and breakdown as authorized in the source's permit.

SUBPART C: OPERATIONAL IMPLEMENTATION

Section 205.300 Seasonal Emissions Component of the Annual Emissions Report

a) For each year in which the source is operational, the owner or operator of each participating source and new participating source shall submit, as a component of its Annual Emissions Report, seasonal emissions information to the Agency for each seasonal allotment period after the effective date of this Part in accordance with the following schedule:

- 1) For each participating source or new participating source that generates VOM emissions from less than 10 emission units, by October 31 of each year; and
 - 2) For each participating source or new participating source that generates VOM emissions from 10 or more emission units, by November 30 of each year.
- b) In addition to any information required pursuant to 35 Ill. Adm. Code

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

254, the seasonal emissions component of the Annual Emissions Report shall contain the following information for the preceding seasonal allotment period for each emission unit emitting or capable of emitting VOM, except that such information is not required for emission units excluded pursuant to Section 205.220 of this Part or for VOM emissions attributable to startup, malfunction or breakdown, as specified in Section 205.225 of this Part:

- 1) Actual seasonal emissions of VOM from the source;
- 2) A description of the methods and practices used to determine VOM emissions, as required by the source's CAAPP permit, including any supporting documentation and calculations;
- 3) A detailed description of any monitoring methods that differ from the methods specified in the CAAPP permit for the source, as provided in Section 205.337 of this Subpart;
- 4) If a source has experienced an emergency, as provided in Section 205.750 of this Part, it shall reference the associated emergency conditions report that has been approved by the Agency;
- 5) If a source's baseline emissions have been adjusted because of a variance, consent order or CAAPP permit compliance schedule, as provided for in Section 205.320(e)(3) of this Subpart, it shall provide documentation quantifying the adjusted VOM emissions amount; and
- 6) If a source is operating a new or modified emission unit for which three years of operational data is not yet available, as specified in Section 205.320(f) of this Subpart, it shall specify seasonal emissions attributable to the new emission unit or the modification of the emission unit.

Section 205.310 ERMS Applications

a) The owner or operator of each participating source or new participating source shall submit to the Agency an ERMS application in accordance with the following schedule:

- 1) For a participating source with baseline emissions of at least 10 tons of VOM, as determined in accordance with Section 205.320(a) of this Subpart, by March 1, 1998;
- 2) For any source that first becomes a participating source because its VOM emissions increase to 10 tons or greater during any seasonal allotment period beginning with 1999, on or before December 1 of the year of the first seasonal allotment period in which its VOM emissions are at least 10 tons, provided that this emissions increase is not a major modification pursuant to 35 Ill. Adm. Code 203; or
- 3) For a new participating source or for a major modification of any source existing prior to May 1, 1999, that is subject to 35 Ill. Adm. Code 203 based on VOM emissions, at the time a construction permit application is submitted or due for the source or modification, whichever occurs first.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- b) Except as provided in subsection (d) of this Section, each ERMS application for participating sources shall contain all information required by the Agency pursuant to Section 39.5 of the Act [415 ILCS 5/39.5] or reference such information if previously submitted to the Agency, including the following information:

1) Data sufficient to establish the appropriate baseline emissions for the source in accordance with Section 205.320 of this Subpart, including but not limited to the following:

A) VOM emissions data and production types and levels from the baseline emissions year(s), as specified in Section 205.320(a)(1), (b) or (c) of this Subpart, as appropriate;

B) If the source is proposing a substitute baseline emissions year(s), as provided in Section 205.320(a)(2) of this Subpart, a justification that the year is more representative than 1994, 1995 or 1996, including data on production types and levels from the proposed substitute year(s) and historical production data, as needed to justify that the proposed substitute year(s) is representative; and

C) If the source is proposing a baseline emissions adjustment based on voluntary over-compliance, as provided in Section 205.320(d) of this Subpart, sufficient information for the Agency to determine the appropriate adjustment;

2) A description of methods and practices used to determine baseline emissions and that will be used to determine seasonal emissions for purposes of demonstrating compliance with this Part, in accordance with Sections 205.330 and 205.335 of this Subpart;

3) Identification of any emission unit for which exclusion from further reductions is sought pursuant to Section 205.405(b) of this Part and including all of the information required pursuant to Section 205.405(b) of this Part;

4) Identification of any emission unit excluded from further reductions pursuant to Section 205.405(a) of this Part; and

5) Identification of any new or modified emission unit for which a construction permit was issued prior to January 1, 1998, but for which three years of operational data is not available, and the permitted VOM emissions or the permitted increase in VOM emissions from such emission unit(s), adjusted for the seasonal allotment period.

- c) Except as provided in subsection (h) of this Section, the ERMS application submitted by each participating source shall also be an application for a significant modification of its CAAPP permit or a revision to its CAAPP application if a CAAPP permit has not yet been issued for the source.

d) The ERMS application for any source that elects to reduce its seasonal emissions by at least 18 percent from its baseline emissions, as provided in Section 205.205(b) of this Part, shall include:

1) VOM emissions data sufficient to establish the appropriate baseline emissions for the source in accordance with Section

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

205.320 of this Subpart; and

2) A description of methods and practices used to determine baseline emissions and that will be used to demonstrate that its seasonal emissions will be at least 18 percent less than its baseline emissions, in accordance with Sections 205.330 and 205.335 of this Subpart.

e) Within 120 days after receipt of an ERMS application, the Agency shall provide written notification to the source of a preliminary baseline emissions determination. Public notice of a draft CAAPP permit in accordance with Section 39.5(8) of the Act [415 ILCS 5/39.5(8)] shall fulfill this requirement for a preliminary baseline emissions determination if issued within 120 days.

f) The ERMS application for each source applying for a major modification, as provided in subsection (a)(3) of this Section, shall include the information specified in subsection (b) of this Section and a certification by the owner or operator recognizing that the source will be required to hold ATUs by the end of each reconciliation period in accordance with Section 205.150(c)(2) of this Part, and provide a plan explaining the means by which it will obtain ATUs for the VOM emissions attributable to the major modification for the first three seasonal allotment periods in which this major modification is operational.

g) The ERMS application for each new participating source shall include:

1) A description of methods and practices that will be used to determine seasonal emissions for purposes of demonstrating compliance with this Part, in accordance with Sections 205.330 and 205.335 of this Subpart;

2) A certification by the owner or operator recognizing that the source will be required to hold ATUs by the end of each reconciliation period in accordance with Section 205.150(d) of this Part for each seasonal allotment period in which it is operational; and

3) If the source is a new major source subject to 35 Ill. Adm. Code 203, a plan explaining means by which it will obtain such ATUs for the first three seasonal allotment periods in which it is operational.

h) The owner or operator of any participating source that has identified a new or modified emission unit, as specified in subsection (b)(5) of this Section, shall submit a written request for, or an application for, a revised emissions baseline and allotment. Such written request or application shall be submitted by December 1 of the year of the third complete seasonal allotment period in which such newly constructed emission unit is operational, which submittal shall include information on the seasonal emissions for these first three seasonal allotment periods.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- a) The Agency shall determine the baseline emissions for each participating source in accordance with Section 205.320 of this Subpart, through its final permit action on a new or modified CAAPP permit for each such source. The Agency's baseline emissions determination may be appealed in accordance with the CAAPP appeal procedures specified in Section 40.2 of the Act [415 ILCS 5/40.2]. If the permit conditions establishing a source's baseline emissions are appealed, the baseline emissions for the source shall be as proposed in the source's ERMS application during the pendency of the appeal. During the pendency of the appeal, ATUs shall be allotted to the source pursuant to the part of the source's proposed baseline emissions that is not disputed in the appeal. If such source's seasonal VOM emissions exceed the ATUs it holds at the end of reconciliation periods during the pendency of the appeal, the source will not be deemed to have had an emissions excursion to the extent that such seasonal VOM emissions do not exceed the amount it proposed as its baseline in its ERMS application, less reductions required pursuant to Section 205.400(c) or (e) of this Part if applicable. Such source shall not be allowed to sell ATUs during the pendency of the appeal.
- b) The Agency shall determine, in accordance with Sections 205.330 and 205.335 of this Subpart, the methods and practices applicable to each participating source and new participating source to determine seasonal emissions through its final permit action on a new or modified CAAPP permit for each such source. The Agency's determination of the methods and practices applicable may be appealed in accordance with the CAAPP appeal procedures specified in Section 40.2 of the Act [415 ILCS 5/40.2].
- c) The Agency shall determine, in accordance with Section 205.405(b) of this Part, if an emission unit qualifies for exclusion from further reductions in its final permit action on a new or modified CAAPP permit for each such source. The Agency's determination may be appealed in accordance with the CAAPP appeal procedures specified in Section 40.2 of the Act [415 ILCS 5/40.2]. If the permit conditions establishing the Agency's BAT determination are appealed, ATUs shall be allotted to the source for any emission unit for which the Agency's BAT determination is being appealed with the emissions reduction required by Section 205.400(c) or (e) of this Part during the pendency of the appeal. If the seasonal VOM emissions for the subject emission unit(s) exceed the ATUs that are attributed to the unit(s) during the pendency of the appeal, the source will not be deemed to have an emissions excursion to the extent that such seasonal VOM emissions do not exceed the amount of ATUs that would be attributed to this unit if the BAT exclusion was accepted. Such source shall not be allowed to sell ATUs during the pendency of the appeal.
- d) The allotment for each participating source for each seasonal allotment period shall be specified in its CAAPP permit.
- e) To the extent possible, the Agency shall initiate the procedures of 35

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- Ill. Adm. Code 252, as required by Section 39.5 of the Act [415 ILCS 5/39.5], by grouping the draft CAAPP permits and supporting documents for participating sources. Specifically, to the extent possible, the Agency shall issue a joint public notice and hold a joint hearing, as appropriate, addressing participating sources for which a hearing is requested.
- f) When a CAAPP permit for a participating source is transferred from the current permittee to another person:
- 1) In the case of a name change of the participating source where ownership is not altered, appropriate documentation shall be submitted to revise the Transaction Account to reflect the name change; or
 - 2) In the case of an ownership change of the participating source, the allotment shall also be transferred by the owner or operator of the permitted source to the new owner or operator, or the new owner or operator shall submit a statement to the Agency certifying that such transfer is not occurring and demonstrating that necessary ATUs are or will be available by other means for the intended operation of the source.
- g) Upon reopening or renewal of the CAAPP permit for any participating source or new participating source, any multiple season transfer agreement, as provided in Section 205.630(a)(2)(B) of this Part, that has three or more years of transfers remaining shall be identified in the renewed or reissued CAAPP permit for each such source.
- h) Upon reopening or renewal of the CAAPP permit for any participating source or new participating source, any ATUs that will be issued by the Agency for three years or more to any such source pursuant to Section 205.410, 205.500 or 205.510 of this Part shall be identified in the renewed or reissued CAAPP permit for each such source.

Section 205.318 Certification for Exempt CAAPP Sources

The owner or operator of any source that is located in the Chicago ozone nonattainment area that is required to obtain a CAAPP permit, and has seasonal emissions, as determined in accordance with Section 205.320(a) of this Subpart, of less than 10 tons shall submit a written certification to the Agency by March 1, 1998, certifying that its VOM emissions are below 10 tons per season as specified in Section 205.320(a) of this Subpart. Such certification shall include the amount of VOM emissions at the source during the 1994, 1995, 1996 and 1997 seasonal allotment periods, and supporting calculations.

Section 205.320 Baseline Emissions

- a) Except as provided in subsection (b) or (c) of this Section, baseline emissions shall be determined by the Agency in accordance with the following, adjusted as specified in subsections (d), (e) and (f) of this Section:
- 1) Baseline emissions shall be calculated using the average of the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

two seasonal allotment periods with the highest VOM emissions during 1994, 1995 or 1996.

- 2) Any source may propose to substitute seasonal emissions on a year-for-year basis due to non-representative conditions in 1994, 1995 or 1996, but must stay within the period from 1990 through 1997, and must have accurate seasonal emissions data for the substitute year(s). When considering whether to substitute a seasonal baseline emission year(s), the Agency must consider the information submitted by the source pursuant to Section 205.310(b)(1)(B) of this Subpart, as well as the accuracy of that data. For the purposes of this subsection (a)(2) "non-representative conditions" include, but are not limited to, events such as strikes, fires, floods and market conditions.

- b) For any source that has seasonal emissions of less than 10 tons, as determined in accordance with subsection (a) of this Section, but becomes a participating source because its seasonal emissions increase to 10 tons or more in any seasonal allotment period beginning with 1999, baseline emissions shall be determined by the Agency based on actual VOM emissions from the first seasonal allotment period in which the sources emissions equalled or exceeded 10 tons, adjusted as specified in subsections (d), (e) and (f) of this Section, provided such emissions increase is not a major modification pursuant to 35 Ill. Adm. Code 203.

- c) For any source that has seasonal emissions of less than 10 tons, as determined in accordance with subsection (a) of this Section, but becomes a participating source because its seasonal emissions increase to 10 tons or more in any seasonal allotment period beginning with 1999 and this emissions increase constitutes a major modification pursuant to 35 Ill. Adm. Code 203, baseline emissions shall be determined by the agency based on the average of the actual seasonal emissions from the two seasonal periods prior to a timely submittal of its application for the major modification, adjusted as specified in subsections (d) and (e) of this Section. Any such source may substitute seasonal emissions on a year-for-year basis due to non-representative conditions in either of the two seasonal allotment periods prior to submittal of its application for the major modification but must stay within the five year period prior to submittal of such application. For the purposes of this subsection, "non-representative conditions" include, but are not limited to, conditions such as strikes, fires, floods and market conditions.

- d) The baseline emissions of any participating source shall be increased for voluntary over-compliance that occurred after October 31, 1990 and results in a VOM emissions level that is lower than the level required by applicable requirements effective in 1996, including limitations in the source's permit(s) based on such applicable requirements. Voluntary over-compliance shall be determined in accordance with the following:

- 1) Determine the actual activity or production types and levels from

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

the seasonal allotment period(s) selected for baseline emissions pursuant to subsection (a), (b) or (c) of this Section;

- 2) Determine seasonal emissions for each emission unit as the product of the amount of activity or production, as determined in accordance with subsection (d)(1) of this Section, and the allowable emissions level pursuant to all applicable requirements effective through 1996, including limitations in the source's permit(s) based on such applicable requirements; and

- 3) Determine seasonal emissions for each emission unit as the product of the amount of activity or production, as determined in accordance with subsection (d)(1) of this Section, and the allowable emissions level pursuant to all applicable requirements effective through 1996, including limitations in the source's permit(s) based on such applicable requirements; and
- 4) Determine the appropriate adjustment to baseline emissions by subtracting the seasonal emissions determined pursuant to subsection (d)(2) of this Section from the seasonal emissions determined pursuant to subsection (d)(3) of this Section.

- e) The baseline emissions of any participating source shall be decreased if any of the following circumstances exist:

- 1) If a source is out of compliance with any applicable requirements, including limitations in the source's permit(s) based on such applicable requirements, in any of the seasonal allotment periods used for baseline emissions, its baseline emissions shall be lowered to reflect the amount of VOM emissions that would be achieved if in compliance with such requirements.
- 2) If any of the seasonal allotment periods selected for baseline emissions do not reflect compliance with requirements effective through 1996 that became applicable after any of the years selected as baseline years, the source's baseline emissions shall be lowered to reflect the amount of VOM emissions that would be achieved if in compliance with such requirements.

- 3) If, in any of the years selected for baseline emissions, a source's VOM emissions are in excess of the amount of VOM emissions allowed by applicable rules because it has been granted a variance, has entered into a consent order, or is operating pursuant to a CAAPP permit compliance schedule, the baseline emissions for such source shall be lowered to reflect the VOM emissions amount that would be achieved if in compliance with such requirements, subject to the following:

- A) Each such source shall be allowed to emit VOM emissions in excess of the ATUs it holds at the end of the reconciliation period each year until compliance with the applicable regulation is achieved, or upon expiration of the relief allowed for in the variance, consent order or CAAPP permit compliance schedule, whichever occurs first;
- B) Such excess VOM emissions shall be allowed to the extent allowed in the variance, consent order or CAAPP permit compliance schedule; and
- C) The seasonal component of the Annual Emissions Report for

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

each such source shall be adjusted each year until compliance with the applicable requirement(s) is achieved, or upon expiration of the relief allowed for in the variance, consent order or CAAPP permit compliance schedule, whichever occurs first, as specified in subsection (e)(3)(B) of this Section.

4) For any participating source that operated with excess emissions during startup, malfunction or breakdown during any year used to determine its baseline emissions, whether or not such operation was authorized pursuant to the source's permit, excess VOM emissions attributable to startup, malfunction or breakdown shall be excluded from the baseline emissions.

f) For new or modified emission units at a source for which a construction permit was issued prior to January 1, 1998, but for which three years of operational data is not available, the baseline emissions determination for the source shall include VOM emissions from such new emission unit or the increase in emissions from the modification of such emission unit based on the two seasonal allotment periods with the highest VOM emissions from the first three complete seasonal allotment periods in which any such new or modified emission unit is operational. ATUs shall only be issued in accordance with this subsection after the baseline emissions has been determined. Any such source shall not be required to hold ATUs for VOM emissions attributable to the new emission unit or the modification of the existing emission unit for the first three complete seasonal allotment periods in which it is operational.

g) For any source which acquired emission reduction credits pursuant to a written agreement, entered into prior to January 1, 1998, and such emission reduction credits were acquired for use as emissions offsets, in accordance with 35 Ill. Adm. Code 203, such emission reduction credits, adjusted for the seasonal allotment period, and reduced by 24 percent, shall be included in the baseline emissions determination for the source, only to the extent that:

- 1) The Agency has issued a federally enforceable permit, prior to January 1, 1998, to the source from which the emission reduction credits were acquired, and such federally enforceable permit recognized the creation of the VOM emission reduction credits by the cessation of all VOM-emitting activities and the withdrawal of the operating permits for VOM-emitting activities at such other sources; and
- 2) The Agency has not relied upon the emission reduction credits to demonstrate attainment or reasonable further progress.

Section 205.330 Emissions Determination Methods

The owner or operator of a participating source or new participating source shall determine VOM emissions from the source during the seasonal allotment period using methods as necessary to demonstrate compliance with this Part.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Such methods shall be, at a minimum, as stringent as those required by any applicable requirement and any permit condition. The Agency shall establish the emissions determination methods applicable to each such source in the source's CAAPP permit. The following methods, in conjunction with relevant source-specific throughput and operating data, are acceptable methods a source may use to determine seasonal emissions, depending on the type of emission unit:

- a) Material balance calculation, based on the VOM content of raw materials and recovered materials, as is typically used for degreasers, coating lines, and printing lines equipped with a carbon adsorption system (recovery-type control device) or without any control device;
- b) A standard engineering formula for estimation of emissions, as is typically used for storage and transfer of volatile organic liquids;
- c) A source-specific emission factor(s), based on representative testing and sampling data and appropriate analysis, as typically used for petroleum refining processes;
- d) A published USEPA emission factor(s), as is typically used for component leaks;
- e) A source-specific emission rate or VOM control efficiency, based on representative testing, as is typically used for chemical processes and afterburners (destruction-type control device), respectively;
- f) A method not listed above that is sufficient to demonstrate compliance with this Section; or
- g) An appropriate combination of the above methods, as typically used for a coating or printing line equipped with a control device, where the available emissions are determined by material balance and the control efficiency is determined by representative testing.

Section 205.335 Sampling, Testing, Monitoring and Recordkeeping Practices

The owner or operator of a participating source or new participating source shall conduct sampling, perform testing, conduct monitoring and maintain records as needed to support its method for determining seasonal emissions in accordance with Section 205.330 of this Subpart and to demonstrate compliance with this Part. Such sampling, testing, monitoring and recordkeeping shall be, at a minimum, as stringent as that required by any applicable requirement and any permit condition. The Agency shall establish the practices applicable to each such source in the source's CAAPP permit.

Section 205.337 Changes in Emission Determination Methods and Sampling, Testing, Monitoring and Recordkeeping Practices

- a) The methods used for determining seasonal emissions from a source shall generally be consistent with the methods used to determine its baseline emissions unless the source's permit accommodates the use of alternate methods to determine VOM emissions.
- b) Modification of Methods and Practices

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- 1) If a source proposes new or revised methods to determine VOM emissions or new or revised supporting practices for sampling, testing, monitoring or recordkeeping that differ significantly from the methods and practices specified by its current permit, the source shall obtain a revised permit in accordance with the procedures specified in Section 39.5 of the Act [415 ILCS 5/39.5], prior to relying on such methods and practices.
- 2) The Agency shall issue a revised permit if it finds, based upon submission of an appropriate permit application, that the proposed methods or practices are needed or appropriate to address changes in the operation of the source or emission units that were not considered when the current permit was issued, that the proposed methods and procedures will not significantly affect the determination of actual seasonal emissions, or that the proposed methods and procedures incorporate new or improved analytical techniques or estimation methods that will increase the accuracy with which actual seasonal emissions are determined, and other applicable requirements for issuance of a revised permit are met.
- 3) If the Agency approves the use of a modified method or practice, the Agency is authorized to determine a corrected baseline and thereafter issue ATUs in accordance with Section 205.400(c) of this Part pursuant to this corrected baseline.

SUBPART D: SEASONAL EMISSIONS MANAGEMENT

Section 205.400 Seasonal Emissions Allotment

- a) Each participating source shall receive an allotment which shall be issued by the Agency and distributed in ATUs.
- b) Except for ATUs issued pursuant to Sections 205.500 and 205.510 of this Part, ATUs issued for any seasonal allotment period are valid for use during the seasonal allotment period following issuance and the next succeeding seasonal allotment period. All ATUs shall be valid until such ATUs expire or are retired.
- c) The initial allotment for each participating source shall be based on the baseline emissions for such source, as determined in accordance with Section 205.320 of this Part, and shall be reduced by 12 percent in 1999 or in such other year that a source is issued its initial allotment, except as provided in Section 205.405 of this Subpart.
- d) Except as provided in Section 205.337(b)(3) of this Part and subsections (c) and (e) of this Section, allotments shall remain at 1999 or initial levels unless the Agency makes a demonstration to the Board, in accordance with the rulemaking provisions of Sections 9.8, 27 and 28 of the Act [415 ILCS 5/9.8, 27 and 28], that further reductions are needed. An allotment or a baseline under this Part does not constitute a property right. Nothing in this Part shall be construed to limit the authority of the Board to terminate or limit

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- e) such allotment or baseline pursuant to its rulemaking authority under Section 9.8, 27 and 28 of the Act [415 ILCS 5/9.8, 27 and 28]. If the baseline emissions for any participating source are increased in accordance with Section 205.320(f) of this Part, the allotment shall be increased by the modified portion of the baseline emissions amount, reduced by 12 percent, except as provided in Section 205.405 of this Subpart.
- f) Except as provided in subsection (h) of this Section, any new participating source shall not be issued ATUs by the Agency, but shall be required to hold ATUs at the end of the reconciliation period as specified in Section 205.150(d) of this Part for each seasonal allotment period in which it is operational.
- g) Any source existing as of May 1, 1999, which first becomes subject to the requirements of this Part because its seasonal emissions increase to 10 tons or more as a result of a major modification pursuant to 35 Ill. Adm. Code 203, in any seasonal allotment period beginning with 1999, shall not be allotted ATUs by the Agency for the VOM emissions attributable to this modification, except as provided in subsection (h) of this Section, but shall be allotted ATUs by the Agency based on its baseline emissions, as determined in accordance with Section 205.320 of this Part. Any such participating source shall be required to hold ATUs at the end of the reconciliation period as specified in Section 205.150(c) of this Part, for each seasonal allotment period in which it is subject to this Part.
- h) If a participating source or new participating source submits an ATU transfer agreement authorizing the transfer of ATUs for more than one year, as provided in Section 205.630(a)(2)(B) of this Part, the ATUs shall be automatically transferred by the Agency from the transferor's Transaction Account to the transferee's Transaction Account. Upon reopening or renewal of the CAAPP permit for any such source, any multiple season transfer agreement that has three or more years of transfers remaining shall be identified in the renewed or reissued CAAPP permit for each such source.

Section 205.405 Exclusions from Further Reductions

- a) VOM emissions from the following emission units, if satisfying subsection(a)(1), (a)(2) or (a)(3) of this Section prior to May 1, 1999, shall be excluded from the VOM emissions reductions requirements specified in Section 205.400(c) and (e) of this Subpart as long as such emission units continue to satisfy subsection (a)(1), (a)(2) or (a)(3) of this Section:
 - 1) Emission units that comply with any NESHAP or MACT standard promulgated pursuant to the CAA;
 - 2) Direct combustion emission units designed and used for comfort heating purposes, fuel combustion emission units and internal combustion engines; and
 - 3) An emission unit for which a LAER demonstration has been approved

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- b) by the Agency on or after November 15, 1990. When it is determined that an emission unit is using, prior to May 1, 1999, BAT for controlling VOM emissions, VOM emissions from such emission unit shall not be subject to the VOM emissions reductions requirement specified in Section 205.400(c) or (e) of this Subpart as long as such emission unit continues to use such BAT. The owner or operator of a source may request such exclusion from further reductions by providing the following information, in addition to the information required in Section 205.310 of this Part, in its ERMS application:

- 1) Identification of each emission unit for which exclusion is requested, including the year of initial operation of such emission unit;
 - 2) Identification of all requirements applicable to the emission unit;
 - 3) A demonstration that the emission unit is using the BAT for controlling VOM emissions;
 - 4) Identification of the permitted VOM emissions from the emission unit;
 - 5) VOM emissions from the emission unit for each seasonal allotment period used in the baseline emissions determination for the source; and
 - 6) A description and quantification of any reductions in VOM emissions that were achieved at the emission unit or source based on its use of the BAT.
- c) As part of its review of an ERMS application or application for a modified allotment, the Agency may determine that any such emission unit qualifies for exclusion from further reductions under subsection (a) or (b) of this Section. The Agency shall make its proposed determination in a draft CAAPP permit subject to public notice and participation, accompanied by an explanation of its proposed action.

Section 205.410 Participating Source Shutdowns

- a) If a participating source shuts down all operations at the source, and withdraws its permit or its permit is revoked or terminates, allotments issued to such a source for each seasonal allotment period after the shutdown occurred shall be subject to the following:
 - 1) 80 percent of all such ATUs shall continue to be allotted to the owner or operator of such source or its duly authorized recipient; and
 - 2) 20 percent of all such ATUs shall be issued to the ACMA.
- b) Except as provided in subsection (c) of this Section, the owner or operator of any participating source that shuts down all operations, in accordance with subsection (a) of this Section, shall submit a written request to have its status changed to a general participant, upon withdrawal, revocation or termination of its permit.
- c) The owner or operator of any participating source that shuts down all

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

operations, in accordance with subsection (a) of this Section, may authorize the issuance of future ATUs to the Transaction Account of another participating source, new participating source or general participant by submitting a transfer agreement authorizing a permanent transfer of all future ATUs. The CAAPP permit of any participating source or new participating source designated to receive future allotments of ATUs pursuant to such a transfer agreement shall be modified to reflect this transfer upon reopening or renewal. Any ATUs issued pursuant to a transfer agreement entered into under this subsection before shut down of all operations of the participating source shall not be subject to subsection (a) of this Section.

SUBPART E: ALTERNATIVE ATU GENERATION

Section 205.500 Emissions Reduction Generator

Any participating source, new participating source or general participant may submit a proposal for issuance of ATUs to it based on VOM emissions reductions, as specified in subsection (a) of this Section, achieved by any source or group of sources located in the Chicago ozone non-attainment area with an operating permit(s) other than a participating source or new participating source. The owner or operator of each source from which the VOM emissions reductions have been or will be achieved shall certify its acceptance of the terms of the proposal and that it has achieved or will achieve the emissions reductions specified in the proposal. An emissions reduction generator may apply for a modification to its operating permit to incorporate limitations that make the VOM emissions reductions specified in the relevant proposal enforceable.

- a) ATUs will only be issued pursuant to this Section if based on actual VOM emissions reductions that meet one or more of the following:
- 1) If, based on the same actual production rate, VOM emissions at the source for any seasonal allotment period beginning in 1999 are or will be lower due to the use of technology or materials at the source than if operating at the same production rate at the emissions level allowed by applicable requirements effective in 1996 or any requirements included in the State Implementation Plan, provided such reductions occurred after 1990;
 - 2) The source shuts down a portion or all of its operation(s) after 1996 and withdraws the relevant operating permit(s), provided the VOM emissions from the shut down activity or activities will not be distributed elsewhere within the Chicago ozone nonattainment area;
 - 3) The source(s) curtails its seasonal production activity resulting in an actual reduction in VOM emissions during any seasonal allotment period beginning in 1999, provided the VOM emissions from the curtailment will not be distributed elsewhere within the Chicago nonattainment area. Such emissions reduction shall be based on the difference between the average production level for the two seasonal allotment periods prior to the year of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- curtailment and the curtailed production level, calculated at the VOM emission rate allowed by applicable requirements effective in 1996; or
- 4) The source shuts down operations or curtails seasonal production activity as described in subsections (a)(2) and (a)(3) of this Section, respectively, and the VOM emissions from the shut down activity or activities or curtailment will be distributed to a participating or new participating source or sources within the Chicago ozone nonattainment area, and the proposal provides that all ATUs issued pursuant to this Section on account of such shut down or curtailment are to be issued to the corresponding participating or new participating source or sources.
 - b) If any proposal is based on a shut down of operations, as specified in subsection (a)(2) of this Section, that results in seasonal emissions reductions of 10 tons or more, 20 percent of ATUs issued based on such an emissions reduction generator proposal shall be allocated to the ACMA.
 - c) Any proposal based on seasonal emissions reductions of 10 tons or more and the Agency's approval thereof shall be subject to the public notice requirements of Section 39.5 of the Act [415 ILCS 5/39.5].
 - d) Any proposal submitted shall include the following:
 - 1) Information identifying the source(s) from which the VOM emissions reductions has been or will be achieved and its owner or operator;
 - 2) An explanation of the method used to achieve the VOM emissions reductions;
 - 3) Relevant information describing the nature of the underlying activity that generated the VOM emissions and the relationship of the units at which the VOM emissions reduction occurred to other units or sources performing the same or related activity in the Chicago ozone nonattainment area, if the VOM emissions reduction is attributable to a partial or complete source shutdown or a production curtailment, as specified in subsection (a)(2), (a)(3) or (a)(4) of this Section;
 - 4) The amount of VOM emissions for the two seasonal allotment periods prior to the year(s) of curtailment, including supporting calculations, if the VOM emissions reduction is attributable to a production curtailment as specified in subsection (a)(3) or (a)(4) of this Section;
 - 5) The amount of the VOM emissions reduction, including supporting calculations and documentation, such as material usage information;
 - 6) The name and address of the participating source(s), new participating source(s) or general participant(s) to which ATUs will be issued, including the name and telephone number of the account officer for such source or participant; and
 - 7) The owner or operator of each proposed emission reduction generator shall certify its acceptance of the terms of the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- proposal and certify that it has achieved or will achieve the emissions reductions specified in the proposal.
- e) The owner or operator of any emissions reduction generator may modify its operating permit to incorporate limitations that make the VOM emissions reductions specified in the relevant proposal enforceable.
 - f) If the emissions reduction generator does not modify its permit, as specified in subsection (e) of this Section, or experiences a shutdown, as specified in subsection (a)(2) or (a)(4) of this Section, and the proposal is submitted prior to the availability of actual VOM emissions data from the relevant seasonal allotment period, the Agency shall determine if the proposal is acceptable on a preliminary basis and provide notification of this determination. The Agency shall not issue final approval, in accordance with subsection (g) of this Section, of any such proposal until the actual VOM emissions data is submitted.
 - g) The Agency shall notify the participating source, new participating source or general participant in writing of its final decision with respect to the proposal within 45 days after receipt of such proposal or receipt of VOM emissions data to verify that the specified reductions occurred, whichever occurs later. If the Agency denies or conditionally approves a proposal, this written notice shall include a statement of the specific reasons for denying or modifying the proposal. The Agency's determination as to the approvability of any proposal submitted pursuant to this Section is subject to review by the Board as provided at 35 Ill. Adm. Code 105.102, provided the proposed emissions reduction generator is not requesting a permit revision. If such a permit revision is requested, the applicable permit review and appeal procedures shall apply.
 - h) If the Agency deems that the proposal is sufficient to receive final approval, the Agency shall issue ATUs in accordance with the following:
 - 1) Any ATUs issued pursuant to this subsection shall be issued to the participating source(s), new participating source(s) or general participant identified in the proposal;
 - 2) If the emissions reduction generator modifies its operating permit as specified in subsection (e) of this Section, to incorporate limitations that make the VOM emissions reductions specified in the relevant proposal enforceable, ATUs shall be issued on the date such source is required to comply with the limitations in the permit and for each seasonal allotment period thereafter in which the VOM emissions reductions are required by the source's permit;
 - 3) If the proposal is based on a partial or complete shut down, as specified in subsection (a)(2) or (a)(4) of this Section, ATUs shall be issued before the seasonal allotment period for each year specified in the proposal;
 - 4) If the emissions reduction generator does not modify its permit and the proposal is submitted prior to the availability of actual

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

VOM emissions data from the relevant seasonal allotment period(s), the Agency shall issue ATUs upon final approval which shall occur after actual VOM emissions data is evaluated for the relevant seasonal allotment period;

5) If the emissions reduction generator includes information on actual VOM emissions reductions during the seasonal allotment period for which ATUs are sought, ATUs will be issued by the Agency upon final approval of the proposal;

6) Except as provided in subsection (h)(7) of this Section, ATUs issued pursuant to this subsection shall only be valid for the seasonal allotment period in which the emissions reductions were achieved;

7) If the VOM emissions reductions specified in a proposal are incorporated into the emissions reduction generator's permit or, if the emissions reduction generator shuts down all or a portion of its operations and withdraws all relevant operating permits, ATUs issued pursuant to this subsection shall be valid for the seasonal allotment period following issuance and for the next seasonal allotment period; and

8) The number of ATUs issued pursuant to subsection (h)(2) or (h)(3) of this Section based on a proposal under subsection (a)(4) of this Section shall be equal to the number of ATUs otherwise issuable under this Section reduced by 12 percent.

Section 205.510 Inter-Sector Transaction

Any person may submit a proposal to the Agency to have ATUs issued to the Transaction Account of a participating source, new participating source or general participant equivalent to VOM emissions reductions from mobile sources or area sources. Any such proposal for the VOM emissions reduction project is subject to Agency review and approval, shall be consistent with laws and regulations and shall include all supporting documentation. The Agency shall review all such proposals in accordance with the following:

a) Regulatory Based Proposal
If the VOM emission reductions that have been generated or will be generated are pursuant to a regulation that provides the procedure to determine VOM emissions reductions and allows for such reductions to be converted to ATUs, the Agency shall approve the proposal if based on the provisions of the applicable regulation. The Agency shall approve, conditionally approve or deny any complete and adequately supported proposal within 45 days after the Agency's receipt thereof by sending written notification of its decision. If the Agency denies or conditionally approves a proposal, this written notice shall include a statement of the specific reasons for denying or modifying the proposal.

b) Other Proposals
If the proposal is based on VOM emissions reductions that have been generated or will be generated which are beyond VOM emissions

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

reductions required by any mandatory applicable rules, the proposal shall include an explanation of the method(s) used to achieve the VOM emissions reductions and the method(s) used to quantify the VOM emissions reductions, including supporting documentation and calculations. The Agency shall evaluate the validity of VOM emission reductions that allegedly were generated or will be generated and approve, conditionally approve or deny any complete proposal within 90 days after the Agency's receipt by sending written notification of its decision to the source. If the Agency denies or conditionally approves a proposal, this written notice shall include a statement of the specific reasons for denying or modifying the proposal.

c) No ATUs shall be issued based on mobile or area source VOM emissions reductions unless a proposal, in accordance with this Section, has been approved by the Agency.

d) All ATUs issued pursuant to a proposal approved pursuant to this Section shall be issued to the Transaction Account identified in the proposal. Such ATUs shall only be valid for the seasonal allotment period in which the emissions reductions were achieved, unless the Agency specifies in its approval that such ATUs shall be valid for the seasonal allotment period following issuance and for the next seasonal allotment period.

e) The Agency's determination that a proposal submitted pursuant to this Section is denied or conditionally approved is subject to review by the Board as provided at 35 Ill. Adm. Code 105.102.

SUBPART F: MARKET TRANSACTIONS

Section 205.600 ERMS Database

a) The Agency or its designee shall maintain a bulletin board that shall be available for public access on which a listing of the status of ATUs will be posted. Other public information and notices will also be posted and participating sources, new participating sources and general participants may post ATUs available for purchase or wanted for purchase. The bulletin board shall include the following information on ATUs:

- 1) Date issued and source issued to;
- 2) Where applicable, date transferred and source or person transferred to;
- 3) Status of ATUs in each account, i.e., available for use, or date retired or date expired; and
- 4) Posted each week during the reconciliation period and no less than monthly at all other times and the average price paid for ATUs transferred the previous week or the previous month, as appropriate.

b) The Agency or its designee shall maintain a Transaction Account database. Information contained on this database shall be considered the official record of the ERMS. Account officer(s) may request

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

status updates for accounts for which they are designated. The database shall include information on all ATUs held in each account.

c) The Agency or its designee shall separately maintain a listing of all ATUs expired or retired within the most recent five years, including the date of expiration or retirement.

Section 205.610 Application for Transaction Account

a) Each participating source, new participating source and general participant shall apply for and obtain authorization for a Transaction Account from the Agency prior to conducting any market transactions. Each participating source shall submit to the Agency its completed application for a Transaction Account no later than 30 days prior to the beginning of the first seasonal allotment period in which the source is required to participate. Each new participating source shall submit to the Agency its completed application for a Transaction Account no later than 30 days prior to the beginning of the first seasonal allotment period in which it is operational.

b) Each Transaction Account application shall include the following information:

- 1) The name and address of the participating source, new participating source or general participant, and the name and address of its owner or operator;
- 2) The names and addresses of all designated account officers;
- 3) The certification specified in Section 205.620(a)(5) of this Subpart signed by each account officer; and
- 4) For a participating source or new participating source, identification of the CAAPP permit number for the source.

c) Special Participants

Any person may purchase ATUs to retire for air quality benefit only. Such person shall be a special participant and shall register with the Agency prior to its first ATU purchase. Special participants will not have Transaction Accounts in the Transaction Account database. All ATUs purchased by special participants will be retired effective on the date of purchase and will be listed as retired in the appropriate database.

d) Special participants will be given a registration number by the Agency so that their purchases of ATUs can be recorded.

Section 205.620 Account Officer

a) Each participating source, new participating source or general participant must have at least one account officer designated for each of its Transaction Accounts. The account officer(s) shall be the only person(s) authorized to make ATU transactions involving such designated Transaction Account. At least one account officer must certify each official document that pertains to a designated Transaction Account or associated market transactions. Account

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

officers may be employees or contractors of participating sources, new participating sources or general participants. No participating source, new participating source or general participant may engage in ATU transactions if it does not have an account officer approved by the Agency. Each account officer shall satisfy all of the following:

- 1) Be at least 18 years of age;
- 2) Be an American citizen or a legal alien;
- 3) Have not been convicted of or had a final judgment entered against him or her in any State or federal court for a violation of State or federal air pollution laws or regulations, or for fraud;
- 4) Be scheduled to attend the next scheduled training program or has already completed the program; and
- 5) Certify to the following statement as a part of the relevant Transaction Account application:
I certify that I satisfy all of the requirements for an account officer. I am aware that I may be disqualified from acting as an account officer in the State of Illinois, pursuant to 35 Ill. Adm. Code 205, if any information submitted in this application is determined to be false or misleading.

b) Account Officer Training Program

Except as provided in subsection (d) of this Section, each candidate must satisfactorily complete the training program for account officers conducted by the Agency or its designee prior to acting as an account officer.

- 1) To attend the account officer training program, a person must enroll with the Agency prior to the date for the next scheduled training program.
- 2) The training program shall cover, at a minimum, the following topics: an overview of the ERMS, forms for the ERMS, market transaction procedures, and operation of the ERMS databases.
- 3) The account officer training program will be offered at least once annually, and may be offered more frequently, depending upon demand. The Agency or its designee shall publish advance notice of the time, date and location for each training program.

c) Disclaimer

The Agency and the State of Illinois do not endorse or guarantee the conduct or quality of work by account officers who have been approved by the Agency, nor does it endorse or guarantee the validity of any representations or ERMS market transactions offered or made by account officers who have been approved by the Agency.

d) Expedited Approval of Account Officer

In the event that an account officer unexpectedly leaves that position, the participating source, new participating source or general participant may request permission from the Agency to allow for a new account officer for up to one year, provided the participating source, new participating source or general participant submits a written certification in accordance with subsection (a)(5)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

of this Section and affirms that the candidate for expedited approval by the Agency shall complete the training program, in accordance with subsection (b) of this Section, no later than one year from the date the expedited approval is requested.

Section 205.630 ATU Transaction Procedures

Recognized sales and purchases of ATUs may be made between any two Transaction Accounts or from a Transaction Account to the ACMA. A sale of ATUs may also be made from a Transaction Account to a special participant. No sale of ATUs shall be recognized from a special participant to any other person.

a) Transfer of ATUs shall be subject to the following requirements:

- 1) Transfers between Transaction Accounts may only be made by the account officers for both accounts;
- 2) All ATU transfers shall be duly authorized by the account officers for both Transaction Accounts, or, if the ATUs are being transferred to a special participant, the account officer of the Transaction Account of the transferor and a representative of the special participant;

A) Duly authorized ATU transfers shall identify the ATU(s) involved in the transaction;

B) Written ATU transfer agreements signed by the account officers for both Transaction Accounts may authorize the transfer of ATUs for more than one season. If a transfer agreement authorizes the future transfer of ATUs for any season for which ATUs have not yet been issued for use, the ATUs shall be automatically transferred to the buyer's Transaction Account for each year such transfer is authorized pursuant to the transfer agreement, in which case the account officers for each Transaction Account will be notified of this transfer;

- 3) No transfer shall be considered official for purposes of the ERMS until entered into the Transaction Account database;

4) The Agency or its designee shall enter ATU transfers into the Transaction Account database within one week of the Agency receiving notification of a duly authorized ATU transfer; and

5) Any ATU transfer agreements entered into after December 31 of a given year may not be used by the buyer to cover emissions from the preceding seasonal allotment period, but may only be used prospectively.

- b) The account officers involved in ATU transfers shall report the purchase price for all ATU transfers to the Agency or its designee and shall indicate whether consideration other than the purchase price reported was involved in the transfer.

c) Transaction Requirements

- 1) Expired or retired ATUs may not be bought or sold;
- 2) The Transaction Account database must show ATUs proposed for transfer as being held by the selling entity. After such

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

transfer is official as specified in subsection (a)(3) of this Section, the transferee's Transaction Account will show the ATUs subject to such transfer as being held in this Transaction Account;

- 3) The minimum sale allowed under the ERMS shall be one ATU; and
- 4) No sale may include partial ATUs.

d) Official Record of Transactions

- 1) The official record of all ATU transactions and the current status of all ATUs shall be the Transaction Account database.
- 2) Account officers shall be allowed to inspect their Transaction Account(s) in the Transaction Account database. Any discrepancies found by the account officer shall be reported to the Agency or its designee along with a request for correction. All data supporting such request shall be sent along with the request for correction. A request for correction may not be used to alter an allotment.

3) After the end of each reconciliation period, the Agency shall retire ATUs in the Transaction Account of each participating source or new participating source in the amount specified in Section 205.150(c) or (d) of this Part. If the source does not have sufficient ATUs in its Transaction Account to account for its VOM emissions from the preceding seasonal allotment period, the source shall be subject to emissions excursion compensation in accordance with Section 205.720 of this Part. ATUs shall be retired in order of issuance, unless the account officer for the Transaction Account notifies the Agency in writing to specify which ATUs in the Transaction Account should be retired.

SUBPART G: PERFORMANCE ACCOUNTABILITY

Section 205.700 Compliance Accounting

- a) The owner or operator of each participating source or new participating source shall maintain and retain for five years at the source or at another location agreed to by the Agency, in conjunction with the records it maintains to demonstrate compliance with its CAAPP permit, all of the following documents as its compliance master file:
 - 1) A copy of its seasonal component of its Annual Emissions Report;
 - 2) Information on actual VOM emissions, as recorded in accordance with Section 205.335 of this Part, and as required by the CAAPP permit for the source; and
 - 3) Copies of any transfer agreements for the purchase or sale of ATUs and other documentation associated with the transfer of ATUs.

b) Compliance Master File Review

- 1) The owner or operator of each participating source or new participating source shall allow the Agency or an authorized representative to enter and inspect the premises in accordance

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

with Section 39.5(7)(ii) of the Act [415 ILCS 5/39.5(7)(ii)] and to review its compliance master file.

2) After the conclusion of each compliance master file review, a report shall be prepared by the Agency and issued to the inspected source that includes the following information:

- A) An identification of any noncompliance with the requirements of this Part; and
 - B) An evaluation of increases and decreases in emissions of VOMs that are also hazardous air pollutants, as related to ATU transactions.
- 3) Nothing in this Part shall affect any other obligations of a source to allow inspection(s) under State or federal laws or regulations.

Section 205.710 Alternative Compliance Market Account (ACMA)

a) The Agency or its designee shall operate the ACMA. The purpose of the ACMA is to serve as a secondary source of ATUs that may be purchased by participating sources and new participating sources, as specified in this Section.

b) The ATUs in the ACMA will have an indefinite life so long as they remain in the ACMA, but, once purchased, must be used either for the preceding or next seasonal allotment period. If these ATUs are not used for compliance in that seasonal allotment period, they will expire.

c) ATUs in an amount equal to one percent of each year's allotment shall be issued to the ACMA, beginning in 1999. In addition, ATUs shall be deposited into the ACMA due to source shutdowns, as specified in Sections 205.410(a) and 205.500(b) of this Part. ATUs for the ACMA may also be obtained by the Agency in the following ways:

- 1) The Agency or its designee is authorized to accept voluntary contributions of ATUs from participating sources or other persons for deposit into the ACMA.
- 2) The Agency is authorized to deposit ATUs from its purchase of ATUs or to deposit ATUs created from emissions reductions it generates beyond reductions otherwise required by statute or regulation for attainment of the NAAQS for ozone.

d) Regular Access to ACMA

- 1) Regular access to the ACMA shall be available when there is sufficient positive balance of ATUs to supply the requesting source. Any participating source or new participating source may apply to the Agency during the reconciliation period for regular access to the ACMA to purchase ATUs for the preceding seasonal allotment period.

- 2) Within 15 days after receipt of any request for regular access to the ACMA, the Agency shall notify the source if regular access to the ACMA is available or if there are insufficient ATUs in the ACMA for regular access. The Agency shall also advise any

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

participating source that special access is available when regular access is unavailable.

- 3) After being granted regular access to the ACMA by the Agency, a participating source or new participating source may purchase ATUs from the ACMA at the rate of \$1,000 per ATU or 1.5 times the average market price, as determined by the Agency, whichever is less. ATUs shall only be available at 1.5 times the market price if sufficient single season ATUs transfers have occurred with a purchase price that fully reflects the consideration involved in the transfer to establish an average market price. All payments for ATUs from the ACMA shall be made to the Agency or the Agency's designee for deposit into the Alternative Compliance Market Account Fund.

e) Special Access to ACMA

Special access to the ACMA shall be available to participating sources, in accordance with this subsection, when the ACMA balance is not sufficient to meet the needs of requesting participating sources.

- 1) The Agency shall credit the ACMA with up to one percent of ATUs from the seasonal allotment for the next seasonal allotment period as an advance to provide assistance for special access to be granted, as provided in subsection (e)(2) of this Section. Special access to the ACMA shall only be allowed to the extent that such access does not exceed this one percent of the next seasonal allotment.

- 2) To the extent allowed pursuant to subsection (e)(1) of this Section, the Agency shall grant special access to the ACMA to any participating source if the source submits a written request demonstrating that the following exist:

- A) During the reconciliation period the source has not been able to obtain regular access to the ACMA and has not been able to obtain ATUs in the market; and
 - B) Actual seasonal emissions have exceeded ATUs held by the source for the applicable seasonal allotment period.
- 3) After being granted special access to the ACMA, a participating source may purchase ATUs at the rate of \$1100 per ATU or 2 times the average market price, as determined by the Agency, whichever is less. ATUs shall only be available at 2 times the market price if sufficient single season ATUs transfers have occurred with a purchase price that fully reflects the consideration involved in the transfer to establish an average market price. All payments for ATUs from the ACMA shall be made payable to the Agency or the Agency's designee for deposit into the Alternative Compliance Market Account Fund.

- 4) The Agency shall provide written notification, within 15 days after receipt of any request for special access to the ACMA, allowing or denying special access to the ACMA to any participating source requesting such access. If the Agency denies such access, this written notification shall include its

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

reasons for denying access.

- f) Special access to the ACMA will create a need to generate sufficient VOM emissions reductions during the subsequent calendar year to offset the ATUs distributed; in this instance, the Agency shall:

- 1) Offset these ATUs by crediting any expired ATUs from the Transaction Accounts of all ERMS participants to the ACMA after the end of the reconciliation period;
- 2) Seek to achieve an equivalent amount of VOM emissions reductions by the end of the subsequent year to offset these ATUs; or
- 3) Credit the ACMA with the one percent of ATUs, as needed, from the next seasonal allotment, as provided in subsection (e)(1) of this Section.

- g) The Agency is authorized to use moneys derived from the sale of ATUs from the ACMA to develop and implement additional VOM emissions reductions. If the ACMA is operating without a positive balance, the Agency shall endeavor to generate new emissions reductions whenever possible.

- h) Limitations on Operation of ACMA

The ability of new participating sources to obtain ATUs from the ACMA shall be limited through the seasonal allotment period of 2002, in the aggregate, to no more than 30 percent of the available ACMA balance at the start of each seasonal allotment period unless ATUs are available after access by all participating sources. In such case, new participating sources may obtain ATUs from the ACMA up to 50 percent of the available ACMA balance at the start of each seasonal allotment period.

- i) If the Agency denies special access to the ACMA to any participating source, such source may petition the Board for review of the Agency's denial in accordance with the procedures specified at 35 Ill. Adm. Code 105.102.

Section 205.720 Emissions Excursion Compensation

The Agency shall obtain emissions excursion compensation from any participating source or new participating source that does not hold ATUs in accordance with Section 205.150(c) or (d) of this Part by the conclusion of the reconciliation period. For any emission excursion during 1999 by a participating or new participating source that was not issued a CAAPP permit before May 1, 1998, all references in Subsections (b)(1) and (b)(3), (c) and (e) of this Section to 1.2 times the emissions excursion shall be 1.0 times the emissions excursion. The Agency shall obtain emissions excursion compensation pursuant to the following procedures.

- a) The Agency shall issue an Excursion Compensation Notice to any such source when an apparent emissions excursion is identified by the Agency.
- b) Except as provided in subsection (c) of this Section, the Excursion Compensation Notice shall require the source to provide compensation in the following manner:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- 1) The participating source or new participating source shall purchase ATUs from the ACMA in an amount equivalent to 1.2 times the emissions excursion;
- 2) For the second consecutive seasonal allotment period in which an emissions excursion occurred, the participating source or new participating source shall purchase ATUs from the ACMA in an amount equivalent to 1.5 times the emissions excursion; or
- 3) If the ACMA balance is not adequate to cover 1.2 times or, when required, 1.5 times the total emissions excursion amount, the Agency shall deduct ATUs equivalent to 1.2 times or, when required, 1.5 times the total emissions excursion or any remaining portion thereof from the source's next allotment of ATUs.

- c) Within 15 days after receipt of an Excursion Compensation Notice, the owner or operator of the subject source may apply to the Agency to request that ATUs in an amount equivalent to 1.2 times or, when required, 1.5 times the emissions excursion be deducted from the source's next seasonal allotment, rather than acquired from the ACMA.
- d) Any source issued an Excursion Compensation Notice may contest the Agency's findings by filing a petition with the Board requesting review of the Emissions Excursion Compensation Notice in accordance with the procedures specified in 35 Ill. Adm. Code 105.102.

- e) If any source contests the Agency's findings in the Excursion Compensation Notice, the Agency shall withhold ATUs in an amount equivalent to 1.2 times or, when required, 1.5 times the amount of the alleged emissions excursion from the source's next seasonal allotment. These ATUs shall be withheld until the Board issues a final order resolving the source's petition contesting the Agency's Excursion Compensation Notice. If the source prevails before the Board, the ATUs withheld shall be transferred to the source's Transaction Account. If the Agency prevails before the Board, the ATUs withheld shall be retired to offset the emissions excursion.

- f) Sources that provide emissions excursion compensation pursuant to this Section shall not be subject to enforcement authority granted to the State or any person under applicable State or federal laws or regulations or any permit conditions. The enforcement authority of the State or any person is only limited by this subsection as it applies to an emissions excursion.

Section 205.730 Excursion Reporting

Upon issuance of each Excursion Compensation Notice to any source that has already had one previous admitted or adjudicated emissions excursion, the source shall submit to the Agency any additional reports required by the source's permit pursuant to Section 39.5(7)(f) of the Act [415 ILCS 5/39.5(7)(f)].

Section 205.740 Enforcement Authority

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

Except as provided in Section 205.720(f) of this Subpart, nothing in this Part limits the State's authority to seek penalties and injunctive relief for any violation of any applicable State law or regulation or any permit condition, as otherwise provided in the Act. Nothing in this Part limits the right of the federal government or any person to directly enforce against actions or omissions which constitute violations of permits required by the Clean Air Act or applicable federal environmental laws and regulations.

Section 205.750 Emergency Conditions

VOM emissions that are a consequence of an emergency, and are in excess of the technology-based emission rates which are achieved during normal operating conditions, to the extent that such excess emissions are not caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operation error, shall be deducted from the calculation of actual VOM emissions during the seasonal allotment period in which the emergency occurred, subject to the following:

- a) The owner or operator of the participating source or new participating source shall submit an initial emergency conditions report to the Agency within two days after the time when such excess emissions occurred due to the emergency. The submittal of this initial emergency conditions report shall be sufficient to fulfill the notice requirements of Section 39.5(7)(k) of the Act [415 ILCS 5/39.5(7)(k)] as it relates to VOM emissions at the source if the report provides a detailed description of the emergency, any steps taken to mitigate emissions and corrective actions taken, to the extent practicable. The final report shall contain the following information:
 - 1) A description of the cause(s) of the emergency and the duration of the episode;
 - 2) Verification that the source was being operated properly at the time of the emergency;
 - 3) A demonstration that the source took all reasonable steps to minimize excess VOM emissions during the emergency period, including but not limited to the following actions, if technically and economically feasible:
 - A) The level of operation of the affected emission unit(s) was minimized;
 - B) The level of emissions from the affected emission unit(s) was minimized by use of alternative raw materials or alternative control measures;
 - C) The duration of the excess emissions was minimized; and
 - D) The amount of VOM emissions from other emission units at the source or other sources located in the Chicago ozone nonattainment area owned or operated by the person or entity were reduced;
 - 4) A demonstration that appropriate corrective action(s) were taken promptly;
 - 5) A demonstration that the affected emission units were:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

- A) Being carefully and properly operated at the time of the emergency, including copies of appropriate records and other relevant evidence;
- B) Properly designed; and
- C) Properly maintained with appropriate preventative maintenance; and
- 6) An estimate of the amount of VOM emissions that occurred during the emergency in excess of the technology-based emission factor achieved during normal operating conditions, including supporting data, the relevant emissions factor, and calculations.
- b) The owner or operator of any such source may supplement its initial emergency conditions report within 10 days after the conclusion of the emergency situation.
- c) The Agency must approve, conditionally approve or reject the findings in the final emergency conditions report submitted by the source in writing within 30 days after receipt of a complete report, subject to the following:
 - 1) If the Agency concurs with the emergency conditions report, the source is not required to hold ATUs for the excess VOM emissions attributable to the emergency;
 - 2) If the Agency approves with conditions or rejects the emergency conditions report, the source shall be required to hold ATUs by the end of the reconciliation period in an amount not less than the emissions identified as excess in the emergency conditions report or provide emissions excursion compensation in accordance with Section 205.720 of this Subpart, if an emissions excursion occurred;
 - 3) If the Agency approves with conditions an emergency conditions report, the Agency must identify in its written notice the amount of VOM emissions that are not attributable to an emergency; and
 - 4) If the Agency approves with conditions or rejects a source's emergency conditions report, the source may raise the emergency as an affirmative defense pursuant to Section 39.5(7)(k) of the Act [415 ILCS 5/39.5(7)(k)] in any action brought for noncompliance with this Part or an action brought to review the Agency's issuance of an Excursion Compensation Notice, as provided in Section 205.720(d) of this Subpart.
 - d) Nothing in this Section relieves any source of any obligation to comply with other applicable requirements, permit conditions, or other provisions addressing emergency situations.

Section 205.760 Market/ System Review Procedures

Beginning in 2000, the Agency shall prepare an Annual Performance Review Report that addresses the effect of VOM emissions reductions in the Chicago ozone nonattainment area on progress toward meeting the RFP requirements and achieving attainment of the NAAQS for ozone by 2007.

- a) The Annual Performance Review Report will review trends and patterns

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED RULES

which may have emerged in the operation of the ERMS, and shall include, but not be limited to, the following:

- 1) Total aggregate VOM emissions during the previous seasonal allotment period;
 - 2) The number of ATUs retired for compliance purposes or for air quality benefit, currently being banked, or used by new participating sources for the previous seasonal allotment period;
 - 3) An evaluation of trading activities, including sources with no trading activity, sources that are net purchasers of ATUs and sources that are net sellers of ATUs;
 - 4) ACMA transactions since the preparation of the previous report and the account balance;
 - 5) A summary of emissions reduction generator and inter-sector proposals;
 - 6) Distribution of transactions by geographic area or character of source;
 - 7) Availability of ATUs for purchase;
 - 8) The average market price for ATU transactions from the previous seasonal allotment period; and
 - 9) Trends and spatial distributions of hazardous air pollutants.
- b) The Agency shall prepare the Report by May 15 of the year following the seasonal allotment period addressed by the Report. The Agency will make copies of its Report available to interested parties upon request.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Solid Waste Disposal: General Provisions
- 2) Code citation: 35 Ill. Adm. Code 810
- 3) Section numbers: 810.104
Adopted action: Amended
- 4) Statutory authority: 415 ILCS 5/22.40 and 27.
- 5) Effective date of amendments: November 25, 1997
- 6) Does this rulemaking contain an automatic repeal date?: No
- 7) Do these amendments contain incorporations by reference? Yes. The existing text of the regulations include a number of incorporations by reference. 35 Ill. Adm. Code 810.104 is the central listing of all documents incorporated by reference for the purposes of all of 35 Ill. Adm. Code 810 through 817. The current rulemaking adds an incorporation at 35 Ill. Adm. Code 810.104(a)(4) of Government Accounting Standards Board "Statement 18", incorporated by reference for the purposes of compliance with new 35 Ill. Adm. Code 811.716. In addition, the Board uses this opportunity to place all the incorporated documents in the proper alphabetical arrangement and to update the version of the Code of Federal Regulations used to the 1997 edition, which recently became available.

8) Date filed in Board's principal office: Order adopted November 20, 1997.

9) Notice of proposal published in Illinois Register: 21 Ill. Reg. 11835, August 29, 1997

10) Has JCAR issued a Statement of Objections to these rules? No. Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. Nevertheless, JCAR did review the text in the course of preparing a Notice of Proposed Amendments for publication in the *Illinois Register*. JCAR made a number of minor revisions to the text of the proposed amendments, as approved by the Board by its opinion and order of August 7, 1997, before they appeared in the August 29, 1997, Notice of Proposed Amendments in the Register. The Board has reviewed the JCAR revisions to the text, and accepted all of them. The revisions are outlined in the response to question (11) below.

11) Differences between proposal and final version: Minor editorial differences. As explained in the response to question (10) above, JCAR altered the text of the proposed amendments between when the Board

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

approved them for public comment on August 7, 1997, and when they appeared in a Notice of Proposed Amendments in the August 29, 1997, issue of the Illinois Register. The Board made a number of additional revisions based on our review of the text, the revisions submitted by JCAR, and a public comment submitted by the Illinois Environmental Protection Agency (Agency). The table below indicates the revisions undertaken, the source(s) of each, and their location in the text. The table indicates the revisions to the text as approved by the Board on August 7, 1997, not necessarily reflecting its appearance in the August 29, 1997, Illinois Register as altered by JCAR.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Section 22.40(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. As explained in the response to questions (10) and (11) above, JCAR altered the text of the proposed amendments between when the Board approved them for public comment on August 7, 1997, and when they appeared in a Notice of Proposed Amendments in the August 29, 1997, issue of the Illinois Register. The Board has reviewed the JCAR revisions to the text, and accepted all of them. The revisions are outlined in the response to question (11) above.

- 13) Will these amendments replace emergency amendments currently in effect?
No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of November 20, 1997 in R97-20, which opinion and order is available from the address below. Section 22.40 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R97-20 proceeding updates the Board's RCRA Subtitle D municipal solid waste landfill rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1, 1996, through December 31, 1996. USEPA amended its RCRA Subtitle D regulations three times during that period. The federal amendments during the period are as follows:

Federal Action

July 1, 1996

Amendments to Classification CriteriaSummary

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- (61 Fed. Reg. 34251) for Solid Waste Disposal Facilities. USEPA amended its RCRA Subtitle C hazardous waste rules and its RCRA Subtitle D rules at 40 CFR 257 to require that conditionally exempt small quantity generator waste be disposed in facilities that meet certain minimum criteria.

September 25, 1996
(61 Fed. Reg. 50409)

Re-Establishment of the Groundwater Monitoring Exemption for Certain Small MSWLFs. USEPA amended its RCRA Subtitle D MSWLF rules to reestablish the groundwater monitoring exemption for certain small landfills in dry or remote areas that accept less than 20 tons of waste for disposal per day.

November 27, 1996
(61 Fed. Reg. 60327)

Additional Financial Assurance Mechanisms for Local Government MSWLF Owners and Operators. USEPA amended its RCRA Subtitle D MSWLF rules to allow alternative mechanisms for demonstrating financial assurance.

In addition to the above actions that occurred in the nominal time-frame of this docket, the Board has included a very recent action that would normally come under the docket for the period of July 1, 1997, through December 31, 1997, which has not even been reserved as yet. The Board has made this inclusion because the federal action at issue allows the relaxation of certain MSWLF requirements for certain small landfills. Where possible, the Board tries to include such regulatory relief, even if it appears out of the normal sequence. The later federal action included is as follows:

Federal Action

July 29, 1997

(62 Fed. Reg. 40707)

Summary

Amendments that Allow the States to Relax Certain Operating Requirements for Small MSWLFs. USEPA amended its RCRA Subtitle D MSWLF rules by a direct final rule to allow the states to grant relief to certain MSWLF facilities that accept less than 20 tons of waste for disposal per day. The amendments allow the state to establish alternative requirements for daily cover, methane monitoring frequencies, infiltration layers for closure, and demonstrating financial assurance.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

October 2, 1997

(62 Fed. Reg. 51606)

Notice that the July 29, 1997, amendments would go into effect on October 27, 1997. US EPA published a notice that it had received no adverse comments during the comment period, so that the July 29, 1997, amendments pertaining to certain small landfills would become effective as scheduled on October 27, 1997.

For reasons discussed in the Board's opinion and order dated November 20, 1997, no amendments were necessary based on the federal actions of July 1, 1996, and September 25, 1996. In addition to those aspects that were driven by federal amendments, the greater proceeding of which this proceeding was one segment also follows up on the amendments adopted by the Board on August 3, 1995, in a prior RCRA Subtitle D Update docket, R95-13, by making further revisions in partial response to P.A. 89-200, which was effective January 1, 1996.

Specifically, the amendments to Part 810 update the incorporations by reference to incorporate a new reference to a document for use in administering the local government financial test under 35 Ill. Adm. Code 811.716.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of November 20, 1997, from Victoria Agyeman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER i: SOLID WASTE AND SPECIAL WASTE HAULING

PART 810

SOLID WASTE DISPOSAL: GENERAL PROVISIONS

Section	Scope and Applicability
810.101	Severability
810.102	Definitions
810.103	Incorporations by Reference
810.104	

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17 and 28.1 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 28.1 and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15838, effective September 18, 1990; amended in R93-10 at 18 Ill. Reg. 1268, effective January 13, 1994; amended in R90-26 at 18 Ill. Reg. 12457, effective August 1, 1994; amended in R95-9 at 19 Ill. Reg. 14427, effective September 29, 1995; amended in R96-1 at 20 Ill. Reg. 11985, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15825 effective NOV 25 1997.

Section 810.104 Incorporations by Reference

a) The Board incorporates the following material by reference:

- 1) Code of Federal Regulations:
40 CFR 141.40 (1996)(1988).
40 CFR 258.Appendix II (1996)(1992).
2) American Institute of Certified Public Accountants, 1211 Avenue of the Americans, New York NY 10036:
Auditing Standards--Current Text, August 1, 1990 Edition.
3) ASTM. American Society for Testing and Materials, 1976 Race Street, Philadelphia PA 19103, (610) 832-9585:
Method D2234-76, Test Method for Collection of Gross Samples of Coal.
Method D3987-85, Standard Test Method for Shake Extraction of Solid Waste with Water.
Method D5102, Standard Test Method for Unconfined Compressive Strength of Cohesive Soils (1990).
4) GASB. Government Accounting Standards Board, 401 Merritt 7, P.O. Box 5116, Norwalk CT 06856-5116:
Statement 18
5) U.S. Government Printing Office, Washington, D.C. 20402, (202) 783-3238:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA Publication SW-846 (Third Edition, 1986 as amended by Update I) (November, 1990)

6) 5) U.S. Army Corps of Engineers, Publication Department, 2803 52nd Ave., Hyattsville, Maryland 20781, (301) 394-0081:

Engineering Manual 1110-2-1906 Appendix VII, Falling-Head Permeability Test with Permeameter Cylinder (1986).

b) This incorporation includes no later amendments or editions.

(Source: Amended 21 Ill. Reg. 15825, effective

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Standards for New Solid Waste Landfills

2) Code Citation: 35 Ill. Adm. Code 811

3) Section Numbers: Adopted Action:

811.106, 811.310, 811.314

Amended

811.700, 811.706, 811.707

Amended

811.711, 811.712, 811.713

Amended

811.714

Amended

811.716, 811.717, 811.718

Added

811.App. A, Ill. C,

Amended

811.App A., Ill. D,

Amended

811.App. B

Amended

4) Statutory authority: 415 ILCS 5/22.40 and 27

5) Effective date of amendments: November 25, 1997

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Yes. The existing text of the regulations include a number of incorporations by reference. 35 Ill. Adm. Code 810.104 is the central listing of all documents incorporated by reference for the purposes of all of 35 Ill. Adm. Code 810 through 817. The current rulemaking adds an incorporation at 35 Ill. Adm. Code 810.104(a)(4) of Government Accounting Standards Board "Statement 18", incorporated by reference for the purposes of compliance with new 35 Ill. Adm. Code 811.716. In addition, the Board uses this opportunity to place all the incorporated documents in the proper alphabetical arrangement and to update the version of the Code of Federal Regulations used to the 1997 edition, which recently became available.

8) Date filed in Board's principal office: Order adopted November 20, 1997

9) Notice of proposal published in Illinois Register: 21 Ill. Reg. 11840, August 29, 1997

10) Has JCAR issued a Statement of Objections to these rules? No. Section 22.40(a) of the Environmental Protection Act [415 ILCS 5/22.40(a)] provides that Section 5 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR. Nevertheless, JCAR did review the text in the course of preparing a Notice of Proposed Amendments for publication in the *Illinois Register*. JCAR made a number of minor revisions to the text of the proposed amendments, as approved by the Board by its opinion and order of August 7, 1997, before they appeared in the August 29, 1997,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Notice of Proposed Amendments in the *Illinois Register*. The Board has reviewed the JCAR revisions to the text, and accepted nearly all of them. The revisions are outlined in the response to question (11) below.

- 11) Differences between proposal and final version: Minor editorial differences. As explained in the response to question (10) above, JCAR altered the text of the proposed amendments between when the Board approved them for public comment on August 7, 1997, and when they appeared in a Notice of Proposed Amendments in the August 29, 1997, issue of the *Illinois Register*. The Board made a number of additional revisions based on our review of the text, the revisions submitted by JCAR, and a public comment submitted by the Illinois Environmental Protection Agency (Agency). The table below indicates the revisions undertaken, the source(s) of each, and their location in the text. The table indicates the revisions to the text as approved by the Board on August 7, 1997, not necessarily reflecting its appearance in the August 29, 1997, *Illinois Register* as altered by JCAR. A second table indicates the single JCAR revision that the Board has not accepted. That revision appeared in the August 29, 1997, issue of the *Illinois Register*.

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Section 22.40(a) of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR. As explained in the response to questions (10) and (11) above, JCAR altered the text of the proposed amendments between when the Board approved them for public comment on August 7, 1997, and when they appeared in a Notice of Proposed Amendments in the August 29, 1997, issue of the *Illinois Register*. The Board has reviewed the JCAR revisions to the text, and accepted nearly all of them. The revisions are outlined in the response to question (11) above.

- 13) Will these amendments replace emergency amendments currently in effect?
No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion and order of November 20, 1997 in R97-20, which opinion and order is available from the address below. Section 22.40 of the Environmental Protection Act provides that Section 5 of the Illinois Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The R97-20 proceeding updates the Board's RCRA Subtitle D municipal solid waste landfill rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period July 1, 1996, through December 31, 1996. USEPA amended its RCRA Subtitle D regulations three times during that period. The federal amendments during the period are as follows:

Federal ActionSummary

July 1, 1996
(61 Fed. Reg. 34251)

Amendments to Classification Criteria for Solid Waste Disposal Facilities. USEPA amended its RCRA Subtitle C hazardous waste rules and its RCRA Subtitle D rules at 40 CFR 257 to require that conditionally exempt small quantity generator waste be disposed in facilities that meet certain minimum criteria.

September 25, 1996
(61 Fed. Reg. 50409)

Re-Establishment of the Groundwater Monitoring Exemption for Certain Small MSWLFs. USEPA amended its RCRA Subtitle D MSWLF rules to re-establish the groundwater monitoring exemption for certain small landfills in dry or remote areas that accept less than 20 tons of waste for disposal per day.

November 27, 1996
(61 Fed. Reg. 60327)

Additional Financial Assurance Mechanisms for Local Government MSWLF Owners and Operators. USEPA amended its RCRA Subtitle D MSWLF rules to allow alternative mechanisms for demonstrating financial assurance.

In addition to the above actions that occurred in the nominal time-frame of this docket, the Board has included a very recent action that would normally come under the docket for the period of July 1, 1997, through December 31, 1997, which has not even been reserved as yet. The Board has made this inclusion because the federal action at issue allows the relaxation of certain MSWLF requirements for certain small landfills. Where possible, the Board tries to include such regulatory relief, even if it appears out of the normal sequence. The later federal action included is as follows:

Federal ActionSummary

July 29, 1997
(62 Fed. Reg. 40707)

Amendments that Allow the States to Relax Certain Operating Requirements for Small MSWLFs. USEPA amended its RCRA Subtitle D MSWLF rules by a

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

direct final rule to allow the states to grant relief to certain MSWLF facilities that accept less than 20 tons of waste for disposal per day. The amendments allow the state to establish alternative requirements for daily cover, methane monitoring frequencies, infiltration layers for closure, and demonstrating financial assurance.

October 2, 1997
(62 Fed. Reg. 51606)

Notice that the July 29, 1997, amendments would go into effect on October 27, 1997. USEPA published a notice that it had received no adverse comments during the comment period, so that the July 29, 1997 amendments pertaining to certain small landfills would become effective as scheduled on October 27, 1997.

For reasons discussed in the Board's opinion and order dated November 20, 1997, no amendments were necessary based on the federal actions of July 1, 1996 and September 25, 1996. In addition to those aspects that were driven by federal amendments, the greater proceeding of which this proceeding was one segment also follows up on the amendments adopted by the Board on August 3, 1995 in a prior RCRA Subtitle D Update docket, R95-13, by making further revisions in partial response to P.A. 89-200, which was effective January 1, 1996.

Specifically, the amendments to Part 811 incorporate all the substantive aspects of all the above-described actions involved in this proceeding.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of November 20, 1997 from Victoria Agyanan at 312-814-3620.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER I: SOLID WASTE AND SPECIAL WASTE HAULING

PART 811

STANDARDS FOR NEW SOLID WASTE LANDFILLS

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

Section	Scope and Applicability
811.101	Location Standards
811.102	Surface Water Drainage
811.103	Survey Controls
811.104	Compaction
811.105	Daily Cover
811.106	Operating Standards
811.107	Salvaging
811.108	Boundary Control
811.109	Closure and Written Closure Plan
811.110	Postclosure Maintenance
811.111	

SUBPART B: INERT WASTE LANDFILLS

Section	Scope and Applicability
811.201	Determination of Contaminated Leachate
811.202	Design Period
811.203	Final Cover
811.204	Final Slope and Stabilization
811.205	Leachate Sampling
811.206	Load Checking
811.207	

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section	Scope and Applicability
811.301	Facility Location
811.302	Design Period
811.303	Foundation and Mass Stability Analysis
811.304	Foundation Construction
811.305	Liner Systems
811.306	Leachate Drainage System
811.307	Leachate Collection System
811.308	Leachate Treatment and Disposal System
811.309	Landfill Gas Monitoring
811.310	Landfill Gas Management System
811.311	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

811.312	Landfill Gas Processing and Disposal System
811.313	Intermediate Cover
811.314	Final Cover System
811.315	Hydrogeological Site Investigations
811.316	Plugging and Sealing of Drill Holes
811.317	Groundwater Impact Assessment
811.318	Design, Construction, and Operation of Groundwater Monitoring Systems
811.319	Groundwater Monitoring Programs
811.320	Groundwater Quality Standards
811.321	Waste Placement
811.322	Final Slope and Stabilization
811.323	Load Checking Program
811.324	Corrective Action Measures for MSWLF Units
811.325	Selection of Remedy for MSWLF Units
811.326	Implementation of the corrective action program at MSWLF Units

SUBPART D: MANAGEMENT OF SPECIAL WASTES AT LANDFILLS

Section	
811.401	Scope and Applicability
811.402	Notice to Generators and Transporters
811.403	Special Waste Manifests
811.404	Identification Record
811.405	Recordkeeping Requirements
811.406	Procedures for Excluding Regulated Hazardous Wastes

SUBPART E: CONSTRUCTION QUALITY ASSURANCE PROGRAMS

Section	
811.501	Scope and Applicability
811.502	Duties and Qualifications of Key Personnel
811.503	Inspection Activities
811.504	Sampling Requirements
811.505	Documentation
811.506	Foundations and Subbases
811.507	Compacted Earth Liners
811.508	Geomembranes
811.509	Leachate Collection Systems

SUBPART G: FINANCIAL ASSURANCE

Section	
811.700	Scope, Applicability and Definitions
811.701	Upgrading Financial Assurance
811.702	Release of Financial Institution
811.703	Application of Proceeds and Appeals
811.704	Closure and Postclosure Care Cost Estimates
811.705	Revision of Cost Estimate

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

811.706	Mechanisms for Financial Assurance
811.707	Use of Multiple Financial Mechanisms
811.708	Use of a Financial Mechanism for Multiple Sites
811.709	Trust Fund for Unrelated Sites
811.710	Trust Fund
811.711	Surety Bond Guaranteeing Payment
811.712	Surety Bond Guaranteeing Performance
811.713	Letter of Credit
811.714	Closure Insurance
811.715	Self-Insurance for Non-commercial Sites
811.716	Local Government Financial Test
811.717	Local Government Guarantee
811.718	Discounting

APPENDIX A Financial Assurance Forms

ILLUSTRATION A	Trust Agreement
ILLUSTRATION B	Certificate of Acknowledgment
ILLUSTRATION C	Forfeiture Bond
ILLUSTRATION D	Performance Bond
ILLUSTRATION E	Irrevocable Standby Letter of Credit
ILLUSTRATION F	Certificate of Insurance for Closure and/or Postclosure Care
ILLUSTRATION G	Operator's Bond Without Surety
ILLUSTRATION H	Operator's Bond With Parent Surety
ILLUSTRATION I	Letter from Chief Financial Officer
APPENDIX B	Section-by-Section Correlation Between the Requirements of the Federal MSWLF Regulations at 40 CFR 258 (1992) and the Requirements of Parts 810 through 814

AUTHORITY: Implementing Sections 5, 21, 21.1, 22, 22.17, and 28.1 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/5, 21, 21.1, 22, 22.17, 22.40, 28.1 and 27].

SOURCE: Adopted in R88-7 at 14 Ill. Reg. 15861, effective September 18, 1990; amended in R92-19 at 17 Ill. Reg. 12413, effective July 19, 1993; amended in R93-10 at 18 Ill. Reg. 1308, effective January 13, 1994; expedited correction at 18 Ill. Reg. 7504, effective July 19, 1993; amended in R90-26 at 18 Ill. Reg. 12481, effective August 1, 1994; amended in R95-13 at 19 Ill. Reg. 12257, effective August 15, 1995; amended in R96-1 at 20 Ill. Reg. 12000, effective August 15, 1996; amended in R97-20 at 21 Ill. Reg. 15831, effective

NOV 25 1997

NOTE: In this part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL STANDARDS FOR ALL LANDFILLS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 811.106 Daily Cover

- a) A uniform layer of at least 0.15 meter (six inches) of clean soil material shall be placed on all exposed waste by the end of each day of operation.
- b) Alternative materials or procedures, including the removal of daily cover prior to additional waste placement, may be used, provided that the alternative materials or procedures achieve equivalent or superior performance to the requirements of subsection (a) in the following areas:
 - 1) Prevention of blowing debris;
 - 2) Minimization of access to the waste by vectors;
 - 3) Minimization of the threat of fires at the open face; and
 - 4) Minimization of odors.
- c) Any alternative frequencies for cover requirements to those set forth in subsections (a) and (b) for any owner or operator of an MSWLF that disposes of 20 tons of municipal solid waste per day or less, based on an annual average, must be established by an adjusted standard pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 106. Any alternative requirements established under this subsection will:
 - 1) Consider the unique characteristics of small communities;
 - 2) Take into account climatic and hydrogeologic conditions; and
 - 3) Be protective of human health and the environment.

BOARD NOTE: Subsection (c) is derived from 40 CFR 258.21(d), as added at 62 Fed. Reg. 40707 (July 29, 1997).

(Source: Amended at 21 Ill. Reg. **15831**, effective **NOV 2 1997**)

SUBPART C: PUTRESCIBLE AND CHEMICAL WASTE LANDFILLS

Section 811.310 Landfill Gas Monitoring

- a) This Section applies to all units that dispose putrescible wastes.
- b) Location and Design of Monitoring Wells
 - 1) Gas monitoring devices shall be placed at intervals and elevations within the waste to provide a representative sampling of the composition and buildup of gases within the unit.
 - 2) Gas monitoring devices shall be placed around the unit at locations and elevations capable of detecting migrating gas from the ground surface to the lowest elevation of the liner system or the top elevation of the groundwater, whichever is higher.
 - 3) A predictive gas flow model may be utilized to determine the optimum placement of monitoring points required for making observations and tracing the movement of gas.
 - 4) Gas monitoring devices shall be constructed from materials that will not react with or be corroded by the landfill gas.
 - 5) Gas monitoring devices shall be designed and constructed to

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

measure pressure and allow collection of a representative sample of gas.

- 6) Gas monitoring devices shall be constructed and maintained to minimize gas leakage.
- 7) The gas monitoring system shall not interfere with the operation of the liner, leachate collection system or delay the construction of the final cover system.
- 8) At least three ambient air monitoring locations shall be chosen and samples shall be taken no higher than 0.025 meter (1 inch) above the ground and 30.49m (100 feet) downwind from the edge of the unit or at the property boundary, whichever is closer to the unit.

c) Monitoring Frequency

- 1) All gas monitoring devices, including the ambient air monitors shall be operated to obtain samples on a monthly basis for the entire operating period and for a minimum of five years after closure.
- 2) After a minimum of five years after closure, monitoring frequency may be reduced to quarterly sampling intervals.
- 3) The sampling frequency may be reduced to yearly sampling intervals upon the installation and operation of a gas collection system equipped with a mechanical device such as a compressor to withdraw gas.
- 4) Monitoring shall be continued for a minimum period of: thirty years after closure at MSWLF units, except as otherwise provided by subsections (c)(5) and (c)(6)---below; five years after closure at landfills, other than MSWLF units, which are used exclusively for disposing of wastes generated at the site; or fifteen years after closure at all other landfills regulated under this Part. Monitoring, beyond the minimum period, may be discontinued if the following conditions have been met for at least one year:
 - A) The concentration of methane is less than five percent of the lower explosive limit in air for four consecutive quarters at all monitoring points outside the unit; and
 - B) Monitoring points within the unit indicate that methane is no longer being produced in quantities that would result in migration from the unit and exceed the standards of subsection (a)(1).
- 5) The operator shall include in the permit, a list of air toxics to be monitored in accordance with subsection (d). The Agency shall determine the monitoring frequency of the listed compounds based upon their emission rates and ambient levels in the atmosphere.
- 5) The Agency may reduce the gas monitoring period at an MSWLF unit upon a demonstration by the owner or operator that the reduced period is sufficient to protect human health and environment.
- 6) The owner or operator of an MSWLF unit shall petition the Board for an adjusted standard in accordance with Section 811.303, if the owner or operator seeks a reduction of the postclosure care

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

monitoring period for all of the following requirements:

- i) Inspection and maintenance (Section 811.111);
- ii) Leachate collection (Section 811.309);
- iii) Gas monitoring (Section 811.310); and
- iv) Groundwater monitoring (Section 811.319).

BOARD NOTE: Changes to subsections (c) are derived from 40 CFR 258.61 (1996 1992).

d) Parameters to be Monitored

- 1) All below ground monitoring devices shall be monitored for the following parameters at each sampling interval:

- A) Methane;
- B) Pressure;
- C) Nitrogen;
- D) Oxygen; and
- E) Carbon dioxide.

- 2) Ambient air monitors shall be sampled for methane only when the average wind velocity is less than 8 kilometers (five miles) per hour at a minimum of three downwind locations 30.49 meters (100 feet) from the edge of the unit or the property boundary, whichever is closer to the unit.

- 3) All buildings within a facility shall be monitored for methane by utilizing continuous detection devices located at points where methane might enter the building.

- e) Any alternative frequencies for the monitoring requirement of subsection (c) for any owner or operator of an MSWLF that disposes of 20 tons of municipal solid waste per day or less, based on an annual average, must be established by an adjusted standard pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 106. Any alternative monitoring frequencies established under this subsection (e) will:

- 1) Consider the unique characteristics of small communities;
- 2) Take into account climatic and hydrogeologic conditions; and
- 3) Be protective of human health and the environment.

BOARD NOTE: Subsection (d) is derived from 40 CFR 258.23(e), as added at 62 Fed. Reg. 40707 (July 29, 1997).

(Source: Amended at 21 Ill. Reg. 15831, effective NOV 2 1997)

Section 811.314 Final Cover System

- a) The unit shall be covered by a final cover consisting of a low permeability layer overlain by a final protective layer constructed in accordance with the requirements of this Section.

b) Standards For The Low Permeability Layer

- 1) Not later than 60 days after placement of the final lift of solid waste, a low permeability layer shall be constructed.
- 2) The low permeability layer shall cover the entire unit and connect with the liner system.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 3) The low permeability layer shall consist of any one of the following:

A) A compacted earth layer constructed in accordance with the following standards:

- i) The minimum allowable thickness shall be 0.91 meter (3 feet);
- ii) The layer shall be compacted to achieve a permeability of 1×10^{-7} centimeters per second and minimize void spaces.
- iii) Alternative specifications may be utilized provided that the performance of the low permeability layer is equal to or superior to the performance of a layer meeting the requirements of subsections (b)(3)(A)(i) and (b)(3)(A)(ii).

B) A geomembrane constructed in accordance with the following standards:

- i) The geomembrane shall provide performance equal or superior to the compacted earth layer described in subsection (b)(3)(A).
- ii) The geomembrane shall have strength to withstand the normal stresses imposed by the waste stabilization process.
- iii) The geomembrane shall be placed over a prepared base free from sharp objects and other materials which may cause damage.

C) Any other low permeability layer construction techniques or materials, provided that they provide equivalent or superior performance to the requirements of this subsection.

- 4) For an MSWLF unit, subsection (b)(3) notwithstanding, if the bottom liner system permeability is lower than 1×10^{-7} cm/sec, the permeability of the low permeability layer of the final cover system shall be less than or equal to the permeability of the bottom liner system.

c) Standards For The Final Protective Layer

- 1) The final protective layer shall cover the entire low permeability layer.
- 2) The thickness of the final protective layer shall be sufficient to protect the low permeability layer from freezing and minimize root penetration of the low permeability layer, but shall not be less than 0.91 meter (3 feet).
- 3) The final protective layer shall consist of soil material capable of supporting vegetation.
- 4) The final protective layer shall be placed as soon as possible after placement of the low permeability layer to prevent desiccation, cracking, freezing or other damage to the low permeability layer.
- d) Any alternative requirements for the infiltration barrier in subsection (b) for any owner or operator of an MSWLF that disposes of

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

20 tons of municipal solid waste per day or less, based on an annual average, must be established by an adjusted standard pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code 106. Any alternative requirements established under this subsection must:

- 1) Consider the unique characteristics of small communities;
- 2) Take into account climatic and hydrogeologic conditions; and
- 3) Be protective of human health and the environment.

BOARD NOTE: Subsection (b)(4) is derived from 40 CFR 258.60(a) (1996 1992). Subsection (d) is derived from 40 CFR 258.60(b)(3), as added at 62 Fed. Reg. 40707 (July 29, 1997).

(Source: Amended at 21 Ill. Reg. 15831 effective NOV 2 1997)

SUBPART G: FINANCIAL ASSURANCE

Section 811.700 Scope, Applicability and Definitions

- a) This Subpart provides procedures by which the owner or operator of a permitted waste disposal facility provides financial assurance satisfying the requirements of Section 21.1(a) of the Act.
- b) Financial assurance may be provided, as specified in Section 811.706, by a trust agreement, a bond guaranteeing payment, a bond guaranteeing payment or performance, a letter of credit, insurance or self-insurance. The owner operator shall provide financial assurance to the Agency before the receipt of the waste.
- c) Except as provided in subsection (f), this Subpart does not apply to the State of Illinois, its agencies and institutions, or to any unit of local government; provided, however, that any other persons who conduct such a waste disposal operation on a site that is owned or operated by such a governmental entity shall provide financial assurance for closure and postclosure care of the site.
- d) The owner or operator is not required to provide financial assurance pursuant to this Subpart if the owner or operator demonstrates:
 - 1) That closure and postclosure care plans filed pursuant to 35 Ill. Adm. 724 or 725 will result in closure and postclosure care of the site in accordance with the requirements of this Part; and
 - 2) That the owner or operator has provided financial assurance adequate to provide for such closure and postclosure care pursuant to 35 Ill. Adm. Code 724 or 725.
- e) Definition: "Assumed closure date" means the date during the next permit term on which the costs of premature final closure of the facility, in accordance with the standards of this Part, will be greatest.
- f) On or after April 9, 1997, no person, other than the State of Illinois, its agencies and institutions, shall conduct any disposal operation at an MSWLF unit that requires a permit under subsection (d) of Section 21 of the Act, unless that person complies with the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- g) financial assurance requirements of this Part.
The Board will grant a variance pursuant to Sections 35 through 38 of the Act and 35 Ill. Adm. Code 104 that allows a facility to operate not in compliance with the otherwise applicable requirements of this Section for up to one year, until April 9, 1998, for good cause, if it determines that an owner or operator has demonstrated that the prior April 9, 1997 effective date for the requirements of this Section did not provide sufficient time to comply and that operating not in compliance with the otherwise applicable provisions of this Section would not adversely affect human health or the environment. The standards adopted in this subpart that are identical in substance to the federal Subtitle B regulations that are individually indicated as applicable to MSWLF units shall not apply to such units until April 9, 1997.

BOARD NOTE: Subsection (f) clarifies the applicability of the financial assurance requirements to units of local government governments, since the Subtitle D regulations exempt only federal and state governments from financial assurance requirements. (See 40 CFR 258.70 (1996 1994) as amended at 60 Fed. Reg. 11652 (Apr. 77-1995)). P.A. 89-200, signed by the Governor on July 21, 1995 and effective January 1, 1996, amended the deadline for financial assurance for MSWLFs from April 9, 1995 to the date that the federal financial assurance requirements actually become effective, which was April 9, 1997. On November 27, 1996 (61 Fed. Reg. 60327), USEPA added 40 CFR 258.70(c) (1996), codified here as subsection (g), to allow states to waive the compliance deadline until April 9, 1998.

(Source: Amended at 21 Ill. Reg. 15831, effective NOV 2 1997)

Section 811.706 Mechanisms for Financial Assurance

- a) The owner or operator of a waste disposal site may utilize any of the mechanisms listed in subsections (a)(1) through (a)(6) to provide financial assurance for closure and postclosure care, and for corrective action at an MSWLF unit. An owner or operator of an MSWLF unit shall also meet the requirements of subsections (b), (c), and (d). The mechanisms are as follows:
 - 1) A trust fund (see Section 811.710);
 - 2) A surety bond guaranteeing payment (see Section 811.711);
 - 3) A surety bond guaranteeing performance (see Section 811.712);
 - 4) A letter of credit (see Section 811.713);
 - 5) Closure insurance (see Section 811.714); or
 - 6) Self-insurance (see Section 811.715);
 - 7) Local Government Financial Test (see Section 811.716); or
 - 8) Local Government Guarantee (see Section 811.717).
- b) The owner or operator of an MSWLF unit shall ensure that the language of the mechanisms listed in subsection (a), when used for providing financial assurance for closure, postclosure, and corrective action,

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

satisfies the following:

- 1) The amount of funds assured is sufficient to cover the costs of closure, post-closure care, and corrective action; and
 - 2) The funds will be available in a timely fashion when needed.
- c) The owner or operator of an MSWLF unit shall provide financial assurance utilizing one or more of the mechanisms listed in subsection (a) within the following dates:
- 1) By April 9, 1997, or such later date granted pursuant to Section 811.700(g), or prior to the initial receipt of solid waste, whichever is later, in the case of closure and post-closure care; or
 - 2) No later than 120 days after the remedy has been selected in accordance with the requirements of Section 811.325, in the case of corrective action.
 - d) The owner or operator shall provide continuous coverage until the owner or operator is released from the financial assurance requirements pursuant to 35 Ill. Adm. Code 813.403(b) or Section 811.326.

BOARD NOTE: Subsections (b) and (c) are derived from 40 CFR 258.74(1) (1996 1994). Amendments prompted by amendments to 40 CFR 258.74(a)(5) (1996 1994) as amended at 66 Fed. Reg. 17652 (Apr. 7, 1995). P.A. 89-200, signed by the Governor on July 21, 1995 and effective January 1, 1996, amended the deadline for financial assurance for MSWLFs from April 9, 1995 to the date that the federal financial assurance requirements actually become effective, which was April 9, 1997. On November 27, 1996 (61 Fed. Reg. 60327), USEPA added 40 CFR 258.70(c) (1996), codified here as Section 811.700(g), to allow states to waive the compliance deadline until April 9, 1998.

(Source: Amended at 21 Ill. Reg. 15831, effective NOV 2 1997)

Section 811.707 Use of Multiple Financial Mechanisms

An owner or operator may satisfy the requirements of this Subpart by establishing more than one financial mechanism per site. These mechanisms are limited to trust funds, surety bonds guaranteeing payment, letters of credit and insurance. The mechanisms must be as specified in 35 Ill. Adm. Code 811.710, 811.711, 811.713, and 811.714, 811.715, 811.716, and 811.717, as applicable respectively, except that it is the combination of mechanisms, rather than the single mechanism, that which must provide financial assurance for an aggregate amount at least equal to the current cost estimate for closure, post-closure care or corrective action, except that mechanisms guaranteeing performance, rather than payment, may not be combined with other instruments. The owner or operator may use any or all of the mechanisms to provide for closure and postclosure care of the site or corrective action.

(Source: Amended at 21 Ill. Reg. 15831, effective

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOV 2 1997

Section 811.711 Surety Bond Guaranteeing Payment

- a) An owner or operator may satisfy the requirements of this Subpart by obtaining a surety bond which conforms to the requirements of this Section and submitting the bond to the Agency. A surety bond obtained by an owner or operator of an MSWLF unit must be effective before the initial receipt of waste or before April 9, 1997 (the effective date of the financial assurance requirements under RCRA Subtitle D regulations), or such later date granted pursuant to Section 811.700(g), whichever is later, in the case of closure and post-closure care, or no later than 120 days after the remedy has been selected in accordance with the requirements of Section 811.325.
- b) The surety company issuing the bond shall be licensed to transact the business of insurance by the Department of Insurance, licensed by the Illinois Department of Insurance pursuant to the Illinois Insurance Code [215 ILCS 5], or at a minimum the insurer must be licensed to transact the business of insurance or approved to provide insurance as an excess or surplus lines insurer by the insurance department in one or more states, and approved by the U.S. Department of the Treasury as an acceptable surety. Section 21.1(a.5) of the Act [415 ILCS 5/21.1(a.5)]

BOARD NOTE: The U.S. Department of the Treasury lists acceptable sureties in its Circular 570.

- c) The surety bond must be on the forms specified in Appendix A, Illustration C, D, or H of this Part.
- d) Any payments made under the bond will be placed in the landfill closure and postclosure fund within the State Treasury.
- e) Conditions:
 - 1) The bond must guarantee that the owner or operator will provide closure and postclosure care in accordance with the approved MSWLF unit, then the corrective action bond must guarantee that the owner or operator will implement corrective action in accordance with Section 811.326.
 - 2) The surety will become liable on the bond obligation when, during the term of the bond, the owner or operator fails to perform as guaranteed by the bond. The owner or operator fails to perform when the owner or operator:
 - A) Abandons the site;
 - B) Is adjudicated bankrupt;
 - C) Fails to initiate closure of the site or postclosure care or corrective action when ordered to do so by the Board pursuant to Title VII of the Act, or when ordered to do so by a court of competent jurisdiction;
 - D) Notifies the Agency that it has initiated closure or corrective action, or initiates closure or corrective

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

action, but fails to close the site or provide postclosure care or corrective action in accordance with the closure and postclosure care or corrective action plans; or

- E) For a corrective action bond, fails to implement corrective action at an MSWLF unit in accordance with Section 811.326

f) Penal sum:

- 1) The penal sum of the bond must be in an amount at least equal to the current cost estimate.
- 2) The Agency shall approve a reduction in the penal sum whenever the current cost estimate decreases.

g) Term:

- 1) The bond must be issued for a term of at least five years and must not be cancelable during that term.
- 2) If the owner or operator fails to provide substitute financial assurance prior to expiration of a bond, the term of the bond must be automatically extended for one twelve-month period starting with the date of expiration of the bond. During such extension the bond will cease to serve as financial assurance satisfying the requirements of this Part, and will not excuse the owner or operator from the duty to provide substitute financial assurance.

- 3) The Agency shall release the surety if, after the surety becomes liable on the bond, the owner or operator or another person provides financial assurance for closure and postclosure care of the site or corrective action program at an MSWLF unit, unless the Agency determines that the closure or postclosure care plan, corrective action at an MSWLF unit or the amount of substituted financial assurance is inadequate to provide closure and postclosure care or implement corrective action in compliance with this Part.

h) Cure of default and refunds:

- 1) The Agency shall release the surety if, after the surety becomes liable on the bond, the owner or operator or another person provides financial assurance for closure and postclosure care of the site or corrective action program at an MSWLF unit, unless the Agency determines that the closure or postclosure care plan, corrective action at an MSWLF unit or the amount of substituted financial assurance is inadequate to provide closure and postclosure care or implement corrective action in compliance with this Part.

- 2) After closure and postclosure care have been completed in accordance with the plans and requirements of this Part or after the completion of corrective action at an MSWLF unit in accordance with Section 811.326, the Agency shall refund any unspent money which was paid into the "Landfill Closure and Postclosure Fund" by the surety.

BOARD NOTE: MSWLF corrective action language at subsection (a) is derived from 40 CFR 258.74(b)(1) (1996 1994) as amended at 60 Fed. Reg. 17652

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

~~Apr. 7, 1995~~. P.A. 89-200, signed by the Governor on July 21, 1995 and effective January 1, 1996, amended the deadline for financial assurance for MSWLFs from April 9, 1995 to the date that the federal financial assurance requirements actually become effective, which was April 9, 1997. On November 27, 1996 (61 Fed. Reg. 60337), USEPA added 40 CFR 258.70(c) (1996), codified here as Section 811.700(g), to allow states to waive the compliance deadline until April 9, 1998. The other clarifying changes reflect the inclusion of financial assurance requirements for implementing corrective action at MSWLF units under this Section.

(Source: Amended at 21 Ill. Reg. ~~15331~~, effective ~~NOV 2 1997~~)

Section 811.712 Surety Bond Guaranteeing Performance

- a) An owner or operator may satisfy the requirements of this Subpart by obtaining a surety bond which conforms to the requirements of this Section and submitting the bond to the Agency. A surety bond obtained by an owner or operator of an MSWLF unit must be effective before the initial receipt of waste or before April 9, 1997 (the effective date of the financial assurance requirements under RCRA Subtitle D regulations), or such later date granted pursuant to Section 811.700(g), whichever is later, in the case of closure and post-closure care, or no later than 120 days after the remedy has been selected in accordance with the requirements of Section 811.325.

- b) The surety company issuing the bond shall be licensed to transact the business of insurance by the Department of Insurance, licensed by the Illinois Department of Insurance pursuant to the Illinois Insurance Code [215 ILCS 5], or at a minimum the insurer must be licensed to transact the business of insurance or approved to provide insurance as an excess or surplus lines insurer by the insurance department in one or more states, and approved by the U.S. Department of the Treasury as an acceptable surety. Section 21.1(a.5) of the Act [415 ILCS 5/21.1(a.5)]

BOARD NOTE: The U.S. Department of the Treasury lists acceptable sureties in its Circular 570.

- c) The surety bond must be on the forms as specified in Appendix A, Illustration C, D, or H of this Part.
- d) Any payments made under the bond will be placed in the landfill closure and postclosure fund within the State Treasury.
- e) Conditions:

- 1) The bond must guarantee that the owner or operator will provide closure and postclosure care in accordance with the closure and postclosure care plans in the permit. If the facility is an MSWLF unit, then a corrective action bond must guarantee that the owner or operator will implement corrective action in accordance with Section 811.326. The surety shall have the option of providing closure and postclosure care or carrying out corrective

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

action, or of paying the penal sum.

- 2) The surety will become liable on the bond obligation when, during the term of the bond, the owner or operator fails to perform as guaranteed by the bond. The owner or operator fails to perform when the owner or operator:

- A) Abandons the site;
- B) Is adjudicated bankrupt;
- C) Fails to initiate closure of the site or postclosure care or corrective action when ordered to do so by the Board pursuant to Title VII of the Act, or when ordered to do so by a court of competent jurisdiction;
- D) Notifies the Agency that it has initiated closure or corrective action, or initiates closure or corrective action, but fails to close the site or provide postclosure care or corrective action in accordance with the closure and postclosure care or corrective action plans; or
- E) For a corrective action bond, fails to implement corrective action at an MSWLF unit in accordance with Section 811.326.

f) Penal sum:

- 1) The penal sum of the bond must be in an amount at least equal to the current cost estimate.
- 2) The Agency shall approve a reduction in the penal sum whenever the current cost estimate decreases.

g) Term:

- 1) The bond must be issued for a term of at least five years and must not be cancelable during that term.
- 2) If the owner or operator fails to provide substitute financial assurance prior to expiration of a bond, the term of the bond must be automatically extended for one twelve-month period starting with the date of expiration of the bond. During such extension, the bond will cease to serve as financial assurance satisfying the requirements of this Part, and will not excuse the owner or operator from the duty to provide substitute financial assurance.

h) Cure of default and refunds:

- 1) The Agency shall release the surety if, after the surety becomes liable on the bond, the owner or operator or another person provides financial assurance for closure and postclosure care of the site or corrective action at an MSWLF unit, unless the Agency determines that the closure or postclosure care plan, corrective action at an MSWLF unit, or the amount of substituted financial assurance is inadequate to provide closure and postclosure care or implement corrective action at an MSWLF unit in compliance with this Part.
- 2) After closure and postclosure care have been completed in accordance with the closure and postclosure care plans and the requirements of this Part or after the completion of corrective action at an MSWLF unit in accordance with Section 811.326, the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Agency shall refund any unspent money which was paid into the "Landfill Closure and Postclosure Fund" by the surety.

- i) The surety will not be liable for deficiencies in the performance of closure by the owner or operator after the Agency releases the owner or operator from the requirements of this Subpart.

BOARD NOTE: MSWLF corrective action language at subsection (a) is derived from 40 CFR 258.74(b)(1) (1996 1994) ~~as amended at 60--Fed--Reg--17652 Apr--77--1997~~. P.A. 89-200, signed by the Governor on July 21, 1995 and effective January 1, 1996, amended the deadline for financial assurance for MSWLFs from April 9, 1995 to the date that the federal financial assurance requirements actually become effective, which was April 9, 1997. On November 27, 1996 (61 Fed. Reg. 60337), USEPA added 40 CFR 258.70(c) (1996), codified here as Section 811.700(g), to allow states to waive the compliance deadline until April 9, 1998. The other clarifying changes reflect the inclusion of financial assurance requirements for implementing corrective action at MSWLF units under this Section.

(Source: Amend ~~NOV 27 1997~~ Ill. Reg. ~~15831~~, effective ~~15831~~),

Section 811.713 Letter of Credit

- a) An owner or operator may satisfy the requirements of this Subpart by obtaining an irrevocable standby letter of credit which conforms to the requirements of this Section and submitting the letter to the Agency. A letter of credit obtained by an owner or operator of an MSWLF unit must be effective before the initial receipt of waste or before April 9, 1997 (the effective date of the financial assurance requirements under RCRA Subtitle D regulations), or such later date granted pursuant to Section 811.700(g), whichever is later, in the case of closure and post-closure care, or no later than 120 days after the remedy has been selected in accordance with the requirements of Section 811.325.

- b) The issuing institution shall be an entity which has the authority to issue letters of credit and:

- 1) Whose letter-of-credit operations are regulated by the Illinois Commissioner of Banks and Trust Companies pursuant to the Illinois Banking Act (205 ILCS 5); or
- 2) Whose deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

c) Forms:

- 1) The letter of credit must be on the forms specified in Appendix A, Illustration E.
- 2) The letter of credit must be accompanied by a letter from the owner or operator, referring to the letter of credit by number, the name and address of the issuing institution, and the effective date of the letter, and providing the following

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

information: the name and address of the site and the amount of funds assured for closure and postclosure care of the site, or for corrective action at an MSWLF unit by the letter of credit.

- d) Any amounts drawn by the Agency pursuant to the letter of credit will be deposited in the landfill closure and postclosure fund within the State Treasury.

e) Conditions on which the Agency may draw on the letter of credit:

- 1) The Agency shall draw on the letter of credit if the owner or operator fails to perform closure or postclosure care in accordance with the closure and postclosure care plans, or fails to implement corrective action at an MSWLF unit in accordance with Section 811.326.
- 2) The Agency shall draw on the letter of credit when the owner or operator:
 - A) Abandons the site;
 - B) Is adjudicated bankrupt;
 - C) Fails to initiate closure of the site or postclosure care or corrective action when ordered to do so by the Board pursuant to Title VII of the Act, or when ordered to do so by a court of competent jurisdiction; or
 - D) Notifies the Agency that it has initiated closure or corrective action, or initiates closure or corrective action, but fails to provide closure and postclosure care or corrective action in accordance with the closure and postclosure care or corrective action plans; or
 - E) For a corrective action bond, fails to implement corrective action at an MSWLF unit in accordance with Section 811.326.

f) Amount:

- 1) The letter of credit must be issued in an amount at least equal to the current cost estimate.
- 2) The Agency shall approve a reduction in the amount whenever the current cost estimate decreases.

g) Term:

- 1) The letter of credit must be issued for a term of at least five years and must be irrevocable during that term.
- 2) If the owner or operator fails to substitute alternative financial assurance prior to expiration of a letter of credit, the term of the letter of credit must be automatically extended for one twelve-month period starting with the date of expiration. During such extension, the letter of credit will cease to serve as financial assurance satisfying the requirements of this Part, and will not excuse the owner or operator from the duty to provide substitute financial assurance.

h) Cure of default and refunds:

- 1) The Agency shall release the financial institution if, after the Agency is allowed to draw on the letter of credit, the owner or operator or another person provides financial assurance for closure and postclosure care of the site or corrective action at

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

an MSWLF unit, unless the Agency determines that a plan or the amount of substituted financial assurance is inadequate to provide closure and postclosure care, or implement corrective action at an MSWLF unit, as required by this Part.

- 2) After closure and postclosure care have been completed in accordance with the closure and postclosure care plans and the requirements of this Part or after the completion of corrective action at an MSWLF unit in accordance with Section 811.326, the Agency shall refund any unspent money which was paid into the "Landfill Closure and Postclosure Fund" by the financial institution.

BOARD NOTE: MSWLF corrective action language at subsection (a) is derived from 40 CFR 258.74(c)(1) (1996 1994), as amended at 60 Fed. Reg. 17652 (Apr. 77-1995). P.A. 89-200, signed by the Governor on July 21, 1995 and effective January 1, 1996, amended the deadline for financial assurance for MSWLFs from April 9, 1995 to the date that the federal financial assurance requirements actually become effective, which was April 9, 1997. On November 27, 1996 (61 Fed. Reg. 60337), USEPA added 40 CFR 258.70(c) (1996), codified here as Section 811.700(q), to allow states to waive the compliance deadline until April 9, 1998. The other clarifying changes reflect the inclusion of financial assurance requirements for implementing corrective action at MSWLF units under this Section.

(Source: Amended Nov 21, 1997 Ill. Reg. effective 15831)

Section 811.714 Closure Insurance

- a) An owner or operator may satisfy the requirements of this Subpart by obtaining closure and postclosure care insurance which conforms to the requirements of this Section and submitting an executed duplicate original of such insurance policy to the Agency.
- b) The insurer shall be licensed to transact the business of insurance by the Department of Insurance, licensed to transact the business of insurance by the Illinois Department of Insurance pursuant to the Illinois Insurance Code (411 Rev. Stat. 1991 ch. 73, pars. 613-619 et seq. [215 ILCS 5/1 et seq.]), or at a minimum the insurer must be licensed to transact the business of insurance or approved to provide insurance as an excess or surplus lines insurer by the insurance department in one or more states. Section 21.1(a.5) of the Act [415 ILCS 5/21.1(a.5)]
- c) The policy must be on forms approved by the Illinois Department of Insurance pursuant to the Illinois Insurance Code or on forms approved by the insurance department of one or more states.
- d) Face amount:
 - 1) The closure and postclosure care insurance policy must be issued for a face amount at least equal to the current cost estimate. The term "face amount" means the total amount the insurer is

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

obligated to pay under the policy. Actual payments by the insurer will not change the face amount, although the insurer's future liability will be lowered by the amount of the payments.

- 2) The Agency shall approve a reduction in the amount of the policy whenever the current cost estimate decreases.

e) The closure and postclosure care insurance policy must guarantee that funds will be available to close the site and to provide postclosure care thereafter. The policy must also guarantee that, once closure begins, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, upon the direction of the Agency to such party or parties as the Agency specifies. The insurer will be liable when:

- 1) The owner or operator abandons the site;
- 2) The owner or operator is adjudicated bankrupt;
- 3) The Board, pursuant to Title VIII of the Act, or a court of competent jurisdiction orders the site closed;
- 4) The owner or operator notifies the Agency that it is initiating closure; or

5) Any person initiates closure with approval of the Agency.

f) Reimbursement for closure and postclosure care expenses:

- 1) After initiating closure, an owner or operator or any other person authorized to perform closure or postclosure care may request reimbursement for closure and postclosure care expenditures by submitting itemized bills to the Agency.

2) Within 60 days after receiving bills for closure or postclosure care activities, the Agency shall determine whether the expenditures are in accordance with the closure or postclosure care plan. The Agency shall direct the insurer to make reimbursement in such amounts as the Agency specifies in writing as expenditures in accordance with the closure and postclosure care plans.

3) If the Agency determines based on such information as is available to it that the cost of closure and postclosure care will be greater than the face amount of the policy, it shall withhold reimbursement of such amounts as it deems prudent until it determines that the owner or operator is no longer required to maintain financial assurance. In the event the face amount of the policy is inadequate to pay all claims, the Agency shall pay claims according to the following priorities:

- A) Persons with whom the Agency has contracted to perform closure or postclosure care activities (first priority);
- B) Persons who have completed closure or postclosure care authorized by the Agency (second priority);
- C) Persons who have completed work which furthered the closure or postclosure care (third priority);
- D) The owner or operator and related business entities (last priority).

g) Cancellation:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) The owner or operator shall maintain the policy in full force and effect until the Agency releases the insurer pursuant to Section 811.702.

2) The policy must provide that the insurer may not cancel, terminate or fail to renew the policy, except for failure to pay the premium. The automatic renewal of the policy must, at a minimum, provide the insured with the option of renewal at the face amount of the expiring policy. If there is a failure to pay the premium, the insurer may elect to cancel, terminate or fail to renew the policy by sending notice by certified mail to the owner or operator and the Agency. Cancellation, termination or failure to renew may not occur, however, during the 120 days beginning with the date of receipt of the notice by both the Agency and the owner or operator, as evidenced by the return receipts. Cancellation, termination or failure to renew may not occur and the policy will remain in full force and effect in the event that on or before the date of expiration the premium due is paid.

h) Each policy must contain a provision allowing assignment of the policy to a successor owner or operator. Such assignment may be conditional upon consent of the insurer, provided such consent is not reasonably refused.

(Source: Amended at 21 Ill. Reg. 15831, effective NOV 24 1997)

Section 811.716 Local Government Financial Test

A unit of local government owner or operator that satisfies the requirements of subsections (a) through (c) may demonstrate financial assurance up to the amount specified in subsection (d).

a) Financial component.

1) The unit of local government owner or operator shall satisfy subsection (a)(1)(A) or (a)(1)(B), as applicable:

A) If the owner or operator has outstanding, rated, general obligation bonds that are not secured by insurance, a letter of credit, or other collateral or guarantee, it must have a current rating of Aaa, Aa, A, or Baa, as issued by Moody's, or AAA, AA, A, or BBB, as issued by Standard and Poor's on all such general obligation bonds; or

B) The owner or operator shall satisfy each of the following financial ratios based on the owner or operator's most recent audited annual financial statement:

- i) A ratio of cash plus marketable securities to total expenditures greater than or equal to 0.05; and
- ii) A ratio of annual debt service to total expenditures less than or equal to 0.20.

2) The unit of local government owner or operator shall prepare its

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

financial statements in conformity with Generally Accepted Accounting Principles for governments and have its financial statements audited by an independent certified public accountant or the Comptroller of the State of Illinois pursuant to the Governmental Account Audit Act [50 ILCS 310].

3) A unit of local government is not eligible to assure its obligations under this Section if any of the following is true:

- A) It is currently in default on any outstanding general obligation bonds;
- B) It has any outstanding general obligation bonds rated lower than Baa as issued by Moody's or BBB as issued by Standard and Poor's;
- C) It operated at a deficit equal to five percent or more of total annual revenue in each of the past two fiscal years; or
- D) It receives an adverse opinion, disclaimer of opinion, or other qualified opinion from the independent certified public accountant or the Comptroller of the State of Illinois pursuant to the Governmental Account Audit Act [50 ILCS 310] auditing its financial statement as required under subsection (a)(2). However, the Agency shall evaluate qualified opinions on a case-by-case basis and allow use of the financial test in cases where the Agency deems the qualification insufficient to warrant disallowance of use of the test.

4) The following terms used in this Section are defined as follows:

"Cash plus marketable securities" is all the cash plus marketable securities held by the unit of local government on the last day of a fiscal year, excluding cash and marketable securities designated to satisfy past obligations such as pensions.

"Debt service" is the amount of principal and interest due on a loan in a given time period, typically the current year.

"Deficit" equals total annual revenues minus total annual expenditures.

"Total expenditures" include all expenditures excluding capital outlays and debt repayment.

"Total revenues" include revenues from all taxes and fees but does not include the proceeds from borrowing or asset sales, excluding revenue from funds managed by a unit of local government on behalf of a specific third party.

b) Public notice component.

- 1) The unit of local government owner or operator shall place a reference to the closure and post-closure care costs assured

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

through the financial test into its next comprehensive annual financial report (CAFR) after November 27, 1997 or prior to the initial receipt of waste at the facility, whichever is later.

- 2) Disclosure must include the nature and source of closure and post-closure care requirements, the reported liability at the balance sheet date, the estimated total closure and post-closure care cost remaining to be recognized, the percentage of landfill capacity used to date, and the estimated landfill life in years.
- 3) A reference to corrective action costs must be placed in the CAFR not later than 120 days after the corrective action remedy has been selected in accordance with the requirements of Sections 811.319(d) and 811.325.
- 4) For the first year the financial test is used to assure costs at a particular facility, the reference may instead be placed in the operating record until issuance of the next available CAFR if timing does not permit the reference to be incorporated into the most recently issued CAFR or budget.
- 5) For closure and post-closure costs, conformance with Government Accounting Standards Board Statement 18, incorporated by reference in 35 Ill. Adm. Code 810.104, assures compliance with this public notice component.

c) Recordkeeping and reporting requirements.

- 1) The unit of local government owner or operator must place the following items in the facility's operating record:

- A) A letter signed by the unit of local government's chief financial officer that:
 - i) Lists all the current cost estimates covered by a financial test, as described in subsection (d);
 - ii) Provides evidence and certifies that the unit of local government meets the conditions of subsections (a)(1), (a)(2), and (a)(3); and
 - iii) Certifies that the unit of local government meets the conditions of subsections (b) and (f)(4).
- B) The unit of local government's independently audited year-end financial statements for the latest fiscal year (except for a unit of local government where audits are required every two years, where unaudited statements may be used in years when audits are not required), including the unqualified opinion of the auditor who must be an independent certified public accountant (CPA) or the Comptroller of the State of Illinois pursuant to the Governmental Account Audit Act [50 ILCS 310].
- C) A report to the unit of local government from the unit of local government's independent CPA or the Comptroller of the State of Illinois pursuant to the Governmental Account Audit Act [50 ILCS 310] based on performing an agreed upon procedures engagement relative to the financial ratios required by subsection (a)(1)(B), if applicable, and the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

requirements of subsections (a)(2), (a)(3)(C), and (a)(3)(D). The CPA or Comptroller's report should state the procedures performed and the CPA or Comptroller's findings; and

- D) A copy of the comprehensive annual financial report (CAFR) used to comply with subsection (b) or certification that the requirements of General Accounting Standards Board Statement 18, incorporated by reference in Section 810.104, have been met.

- 2) The items required in subsection (c)(1) must be placed in the facility operating record as follows:

A) In the case of closure and post-closure care, either before November 27, 1997, or prior to the initial receipt of waste at the facility, whichever is later; or

B) In the case of corrective action, not later than 120 days after the corrective action remedy is selected in accordance with the requirements of Sections 811.319(d) and 811.325.

- 3) After the initial placement of the items in the facility operating record, the unit of local government owner or operator shall update the information and place the updated information in the operating record within 180 days following the close of the owner or operator's fiscal year.

- 4) The unit of local government owner or operator is no longer required to meet the requirements of subsection (c) when:

A) The owner or operator substitutes alternative financial assurance as specified in this Section; or

B) The owner or operator is released from the requirements of this Section in accordance with Section 811.326(g), 811.702(b), or 811.704(j) or (k)(6).

- 5) A unit of local government must satisfy the requirements of the financial test at the close of each fiscal year. If the unit of local government owner or operator no longer meets the requirements of the local government financial test it shall, within 210 days following the close of the owner or operator's fiscal year, obtain alternative financial assurance that meets the requirements of this Subpart, place the required submissions for that assurance in the operating record, and notify the Agency that the owner or operator no longer meets the criteria of the financial test and that alternative assurance has been obtained.

- 6) The Agency, based on a reasonable belief that the unit of local government owner or operator may no longer meet the requirements of the local government financial test, may require additional reports of financial condition from the unit of local government at any time. If the Agency determines, on the basis of such reports or other information, that the owner or operator no longer meets the requirements of the local government financial test, the unit of local government must provide alternative financial assurance in accordance with this Subpart.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- d) Calculation of Costs to be Assured. The portion of the closure, post-closure, and corrective action costs that an owner or operator may assure under this Section is determined as follows:

1) If the unit of local government owner or operator does not assure other environmental obligations through a financial test, it may assure closure, post-closure, and corrective action costs that equal up to 43 percent of the unit of local government's total annual revenue.

2) If the unit of local government assures other environmental obligations through a financial test, including those associated with UIC facilities under 35 Ill. Adm. Code 704.213, petroleum underground storage tank facilities under 40 CFR 280, PCB storage facilities under 40 CFR 761, and hazardous waste treatment, storage, and disposal facilities under 35 Ill. Adm. Code 724 and 725, it must add those costs to the closure, post-closure, and corrective action costs it seeks to assure under this Section. The total that may be assured must not exceed 43 percent of the unit of local government's total annual revenue.

3) The owner or operator must obtain an alternative financial assurance instrument for those costs that exceed the limits set in subsections (d)(1) and (d)(2).

BOARD NOTE: Derived from 40 CFR 258.74(f), added at 61 Fed. Reg. 60327 (Nov. 27, 1996).

(Source: Added at 21 Ill. Reg. ~~1150.31~~ effective NOV 24 1997)

Section 811.717 Local Government Guarantee

An owner or operator may demonstrate financial assurance for closure, post-closure, and corrective action, as required by Section 21.1(a) of the Act and Subpart G of this Part, by obtaining a written guarantee provided by a unit of local government. The guarantor shall meet the requirements of the local government financial test in Section 811.716, and shall comply with the terms of a written guarantee.

a) Terms of the written guarantee. The guarantee must be effective before the initial receipt of waste or before November 27, 1997, whichever is later, in the case of closure or post-closure care, or no later than 120 days after the corrective action remedy has been selected in accordance with the requirements of Sections 811.319(d) and 811.325. The guarantee must provide that:

1) If the owner or operator fails to perform closure, post-closure care, or corrective action of a facility covered by the guarantee, the guarantor must:

- A) Perform, or pay a third party to perform, closure, post-closure care, or corrective action as required; or
B) Establish a fully funded trust fund, as specified in Section 811.710, in the name of the owner or operator.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) The guarantor must remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator and to the Agency. Cancellation may not occur, however, during the 120 days beginning on the date of receipt of the notice of cancellation by both the owner or operator and the Agency, as evidenced by the return receipts.
- 3) If a guarantee is cancelled, the owner or operator shall, within 90 days following receipt of the cancellation notice by the owner or operator and the Agency, obtain alternative financial assurance, place evidence of that alternative financial assurance in the facility operating record, and notify the Agency. If the owner or operator fails to provide alternative financial assurance within the 90-day period, the guarantor must provide that alternative assurance within 120 days following the guarantor's notice of cancellation, place evidence of the alternative assurance in the facility operating record, and notify the Agency.

b) Recordkeeping and reporting.

- 1) The owner or operator shall place a certified copy of the guarantee along with the items required under Section 811.716(c) into the facility's operating record before the initial receipt of waste or before November 27, 1997, whichever is later, in the case of closure or post-closure care, or no later than 120 days after the corrective action remedy has been selected in accordance with the requirements of Sections 811.319(d) and 811.325.
- 2) The owner or operator is no longer required to maintain the items specified in subsection (b) when:
- A) The owner or operator substitutes alternative financial assurance, as specified in this Subpart; or
- B) The owner or operator is released from the requirements of this Section in accordance with Section 811.326(g), 811.702(b), or 811.704(j) or (k)(6).
- 3) If a unit of local government guarantor no longer meets the requirements of Section 811.716, the owner or operator shall, within 90 days, obtain alternative assurance, place evidence of the alternative assurance in the facility operating record, and notify the Agency. If the owner or operator fails to obtain alternative financial assurance within that 90-day period, the guarantor shall provide that alternative assurance within the next 30 days.

BOARD NOTE: Derived from 40 CFR 258.74(h), added at 61 Fed. Reg. 60327 (Nov. 27, 1996).

(Source: Added at 21 Ill. Reg. 15858, effective Nov 24 1997)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The Agency shall allow discounting of closure cost estimates, post-closure cost estimates, and corrective action cost estimates in Section 811.704 up to the rate of return for essentially risk free investments, net of inflation, under the following conditions:

- a) The Agency determines that cost estimates are complete and accurate and the owner or operator has submitted a statement from a professional engineer, as defined in Section 810.103, so stating;
- b) The Agency finds the facility in compliance with applicable and appropriate permit conditions; and
- c) The Agency determines that the closure date is certain, and the owner or operator certifies that there are no foreseeable factors that will change the estimate of site life.

Discounted cost estimates must be adjusted annually to reflect inflation and the anticipated years of remaining life.

BOARD NOTE: Derived from 40 CFR 258.75, added at 61 Fed. Reg. 60327 (Nov. 27, 1996).

(Source: Added at 21 Ill. Reg. 15859, effective Nov 24 1997)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 811. APPENDIX A Financial Assurance Forms

Section 811. ILLUSTRATION C Forfeiture Bond

FORFEITURE BOND

Date bond executed: _____

Effective date: _____

Principal: _____

Type of organization: _____

State of incorporation:

Surety: _____

Sites:

Name: _____

Address _____

City _____

Amount guaranteed by this bond: \$_____

Name _____

Address

City _____

Amount guaranteed by this bond: \$

Please attach a separate page if more space is needed for all sites.

Total penal sum of bond: \$

Surety's bond number: _____

The Principal and the Surety promise to pay the Illinois Environmental Protection Agency ("IEPA") the above penal sum unless the Principal provides closure and postclosure care or corrective action for each site in accordance with the closure and postclosure care or corrective action plans for that site. To the payment of this obligation the Principal and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

and assigns.

Whereas the Principal is required, under Section 21(d) of the Environmental Protection Act ~~{Fil:---Stat:---1991---ch-11-1/2-par:--4911d}~~ [415 ILCS 5/21(d)] to have a permit to conduct a waste disposal operation;

Whereas the Principal is required, under 21.1 of the Environmental Protection Act to provide financial assurance for closure and postclosure care or corrective action;

Whereas the Surety is licensed by the Illinois Department of Insurance or is licensed to transact the business of insurance or approved to provide insurance as an excess or surplus lines insurer by the insurance department in one or more states;

Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois;

The Surety shall pay the penal sum to the IEPA if, during the term of the bond, the Principal fails to provide closure and postclosure care or corrective action for any site in accordance with the closure and postclosure care or corrective action plans for that site as guaranteed by this bond. The Principal fails to so provide when the Principal:

- a) Abandons the site;
- b) Is adjudicated bankrupt;
- c) Fails to initiate closure of the site or postclosure care or corrective action when ordered to do so by the Board or a court of competent jurisdiction;
- d) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide postclosure care or corrective action in accordance with the closure and postclosure care or corrective action plans; or
- e) For corrective action, fails to implement corrective action at a municipal solid waste landfill unit in accordance with 35 Ill. Adm. Code 811.326.

The Surety shall pay the penal sum of the bond to the IEPA within 30 days after the IEPA mails notice to the Surety that the Principal has failed to so provide closure and postclosure care or corrective action. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Postclosure Fund.

The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

This bond shall expire on the _____ day of _____, provided, however, that if the Principal fails to provide substitute financial assurance prior to the expiration date, and the IEPA mails notice of such failure to the Surety within 30 days after such date, the term of this bond shall be automatically extended for on twelve-month period starting with the date of expiration of the bond.

The Principal may terminate this bond by sending written notice to the surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the IEPA.

In Witness Whereof, the Principal and Surety have executed this Forfeiture Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety.

PRINCIPAL

Signature Name _____

Typed Name _____

Address _____

Title _____

State of Incorporation _____

Date _____

Corporate seal _____

CORPORATE SURETY

Signature _____

Typed Name _____

Title _____

Corporate seal _____

Bond premium: \$ _____

(Source: Amended at 21 Ill. Reg. 15831, effective

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

NOV 2 1997

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 811. ILLUSTRATION D Performance Bond

PERFORMANCE BOND

Date bond executed: _____

Effective date: _____

Principal: _____

Type of organization: _____

State of incorporation: _____

Surety: _____

Sites: _____

Name _____

Address _____

City _____

Amount guaranteed by this bond: \$ _____

Name _____

Address _____

City _____

Amount guaranteed by this bond: \$ _____

Please attach a separate page if more space is needed for all sites.

Total penal sum of bond: \$ _____

Surety's bond number: _____

The Principal and the Surety promise to pay the Illinois Environmental Protection Agency ("IEPA") the above penal sum unless the Principal or Surety provides closure and postclosure care or corrective action for each site in accordance with the closure and postclosure care or corrective action plans for that site. To the payment of this obligation the Principal and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Whereas the Principal is required, under Section 21(d) of the Environmental Protection Act (415 ILCS 1991, Ch. 112, par. 1021(d)) [415 ILCS 5/21(d)] to have a permit to conduct a waste disposal operation;

Whereas the Principal is required, under Section 21.1 of the Environmental Protection Act, to provide financial assurance for closure and postclosure care or corrective action; and

Whereas the Surety is licensed by the Illinois Department of Insurance or is licensed to transact the business of insurance or approved to provide insurance as an excess or surplus lines insurer by the insurance department in one or more states;

Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois;

The Surety shall pay the penal sum to the IEPA or provide closure and postclosure care or corrective action in accordance with the closure and postclosure care or corrective action plans for the site if, during the term of the bond, the Principal fails to provide closure and postclosure care or corrective action for any site in accordance with the closure and postclosure care plans or corrective action plans for that site as guaranteed by this bond. The Principal fails to so provide when the Principal:

- a) Abandons the site;
- b) Is adjudicated bankrupt;
- c) Fails to initiate closure of the site or postclosure care or corrective action when ordered to do so by the Board or a court of competent jurisdiction;
- d) Notifies the Agency that it has initiated closure, or initiates closure, but fails to close the site or provide postclosure care or corrective action in accordance with the closure and postclosure care or corrective action plans; or
- e) For corrective action, fails to implement corrective action at a municipal solid waste landfill unit in accordance with 35 Ill. Adm. Code 811.326.

The Surety shall pay the penal sum of the bond to the IEPA or notify the IEPA that it intends to provide closure and postclosure care or corrective action in accordance with the closure and postclosure care or corrective action plans for the site within 30 days after the IEPA mails notice to the Surety that the Principal has failed to so provide closure and postclosure care or corrective action. Payment shall be made by check or draft payable to the State of Illinois, Landfill Closure and Postclosure Fund.

If the Surety notifies the Agency that it intends to provide closure and postclosure care or corrective action, then the Surety must initiate closure and postclosure care or correction action within 60 days after the IEPA mailed

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

notice to the Surety that the Principal failed to provide closure and postclosure care or corrective action. The Surety must complete closure and postclosure care or corrective action in accordance with the closure and postclosure care or corrective action plans, or pay the penal sum.

The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

This bond shall expire on the _____ day of _____, provided, however, that if the Principal fails to provide substitute financial assurance prior to the expiration date, and the IEPA mails notice of such failure to the Surety within 30 days after such date, the term of this bond shall be automatically extended for one twelve-month period starting with the date of expiration of the bond.

The Principal may terminate this bond by sending written notice to the Surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the IEPA.

In Witness Whereof, the Principal and Surety have executed this Forfeiture Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety.

PRINCIPAL

Signature _____

Typed Name _____

Address _____

Title _____

State of Incorporation _____

Date _____

Corporate seal

CORPORATE SEAL

Signature _____

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Typed Name _____

Title _____

Corporate seal

Bond premium: \$ _____

(Source: Amended 5 at 21 Ill. Reg. 15831, effective NOV 25 1997)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 811.APPENDIX B Section-by-Section Correlation Between the Requirements of the Federal MSWLF Regulations at 40 CFR 258 (1992) and the Requirements of Parts 810 through 814

RCRA SUBTITLE D REGULATIONS

ILLINOIS LANDFILL REGULATIONS

I. SUBPART A: General

- 1) Purpose, Scope, and Applicability (40 CFR 258.1)
 - 1) NL(1): Sections 811.101, 811.301, 811.401, 811.501, and 811.700. EL(2): Section 814.101.
- 2) Definitions (40 CFR 258.2)
 - 2) Section 810.103.

II. SUBPART B: Location Restrictions

- 1) Airport safety (40 CFR 258.10)
 - 1) NL(1): Section 811.302(e). EL(2): Section 814.302(c) and 814.402(c).
- 2) Floodplains. (40 CFR 258.11)
 - 2) NL(1): Section 811.102(b). EL(2): Section 814.302 and 814.402.
- 3) Wetlands. (40 CFR 248.12)
 - 3) NL(1): Sections 811.102(d), 811.102(e), and 811.103. EL(2): Section 814.302 and 814.402.
- 4) Fault areas. (40 CFR 258.13)
 - 4-5) NL(1): Sections 811.304 and 811.305. EL(2): Section 814.302 and 814.402.
- 5) Seismic impact zones. (40 CFR 258.14)
 - See above.

6) Unstable areas. (40 CFR 258.15)

NL(1): Sections 811.304 and 811.305. EL(2): Sections 811.302(c) and 811.402(c).

7) Closure of existing MSWL units. (40 CFR 258.16)

EL(2): Sections 814.301 and 814.401.

III. SUBPART C: Operating Criteria

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Procedures for excluding the receipt of hazardous waste. (40 CFR 258.20)
 - 1) NL(1): Section 811.323. EL(2): Sections 814.302 and 814.402.
 - 2) Cover material requirements. (40 CFR 258.21)
 - 2) NL(1): Section 811.106. EL(2): Sections 814.302 and 814.402.
 - 3) Disease vector control. (40 CFR 258.22)
 - 3) NL(1): Section 811.107(i). EL(2): Sections 814.302 and 814.402.
 - 4) Explosive gas control. (40 CFR 258.23)
 - 4) NL(1): Section 811.310, 811.311, and 911.312. EL(2): Sections 814.302 and 814.402.
 - 5) Air criteria. (40 CFR 258.24)
 - 5) NL(1): Sections 811.107(b), 811.310, and 811.311. EL(2): Sections 814.302 and 814.402.
 - 6) Access requirements. (40 CFR 258.25)
 - 6) NL(1): Section 811.109. EL(2): Sections 814.302 and 814.402.
 - 7) Run-on/run-off control system. (40 CFR 258.26)
 - 7) NL(1): Section 811.103. EL(2): Sections 814.302 and 814.402.
 - 8) Surface water requirements. (40 CFR 258.27)
 - 8) Same as above.
 - 9) Liquids restrictions. (40 CFR 258.28)
 - 9) NL(1): Section 811.107(m). EL(2): Sections 814.302 and 814.402.
 - 10) Recordkeeping requirements. (40 CFR 258.29)
 - 10) NL(1): Sections 811.112, and Parts 812 and 813. EL(2): Sections 814.302 and 814.402.
- IV. SUBPART D: Design criteria (40 CFR 258.40)
- IV) NL(1): 811.303, 811.304, 811.305, 811.306, 811.307, 811.308, 811.309, 811.315, 811.316, 811.317, and 811-Subpart E. EL(2): Sections 814.302 and 814.402.
- V. SUBPART E: Groundwater Monitoring and Corrective Action

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Applicability.
 - 1) NL(1): 35 Section 811.319 (a)(1). EL(2): Sections 814.302 and 814.402.
- 2) Groundwater monitoring systems. (40 CFR 258.51)
 - 2) NL(1): Sections 811.318 and 811.320(d). EL(2): Sections 814.302 and 814.402.
- 3) Groundwater sampling and analysis. (40 CFR 258.53)
 - 3) NL(1): Section 811.318(e), 811.320(d), 811.320(e). EL(2): Sections 814.302 and 814.402.
- 4) Detection monitoring program. (40 CFR 258.54)
 - 4) NL(1): Section 811.319(a). EL(2): Sections 814.302 and 814.402.
- 5) Assessment monitoring program. (40 CFR 258.55)
 - 5) NL(1): Section 811.319(b). EL(2): Sections 814.302 and 814.402.
- 6) Assessment of corrective measures. (40 CFR 258.56)
 - 6) NL(1): Sections 811.319(d) and 811.324. EL(2): Sections 814.302 and 814.402.
- 7) Selection of remedy. (40 CFR 258.57)
 - 7) NL(1): Sections 811.319(d) and 811.325. EL(2): Sections 814.302 and 814.402.
- 8) Implementation of the corrective action program (40 CFR 258.58)
 - 8) NL(1): Sections 811.319(d) and 811.325. EL(2): Sections 814.302 and 814.402.

VI. SUBPART F: Closure and Post-Closure Care

- 1) Closure criteria. (40 CFR 258.60)
 - 1) NL(1): Sections 811.110, 811.315 and 811.322. EL(2): Section 814.302 and 814.402.
- 2) Post-closure care requirements. (40 CFR 258.61)
 - 2) NL(1): Section 811.111. EL(2): Sections 814.302 and 814.402.

VII. SUBPART G: Financial Assurance Criteria

- 1) Applicability and effective date. (40 CFR 258.70)
 - 1) NL(1): Section 811.700. EL(2): Sections 814.302 and 814.402.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) Financial assurance for closure. (40 CFR 258.71)
 - 2) ~~37-and-4)~~
 - NL(1): Sections 811.701 through 811.705. EL(2): Sections 814.302 and 814.402.
- 3) Financial assurance for post-closure. (40 CFR 258.72)
 - 3) Same as (2).
- 4) Financial assurance for corrective action. (40 CFR 258.73)
 - 4) Same as (2).
- 5) Allowable mechanisms. (40 CFR 258.74 and 258.75 ~~258-73~~)
 - 5) NL(1): Section 811.706 through 811.717 ~~811-715~~. EL(2): Sections 814.302 and 814.402.

1 - NL: New Landfill; 2 - EL: Existing Landfill and Lateral Expansions.

(Source: Amended at 21 Ill. Reg. ~~15831~~, effective ~~15831~~)

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Health Facilities Planning and Economic Feasibility Review
- 2) Code Citation: 77 Ill. Adm. Code 1120
- 3) Section Numbers:
Adopted Action:
 1120.10 Amendment
 1120.20 Amendment
 1120.110 Amendment
 1120.130 Amendment
 1120.210 Amendment
 1120.310 Amendment
 1120 Appendix A
- 4) Statutory Authority: Illinois Health Facilities Planning Act [20 ILCS 3960]
- 5) Effective Date of Rulemaking: January 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 1, 1998
- 9) Notice of Proposal Published in Illinois Register: March 21, 1997 at 21 Ill. Reg. 3544
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:
- a) In line 43, added quotation marks around the term "Capital Expenditures".
 - b) In line 44, deleted the closing parenthesis.
 - c) In line 131, changed "l" to "I".
 - d) In line 238, changed "property includes-the" to "property--includes the".
 - e) In line 435, added commas after "If" and "issuance".
 - f) In line 457, struck the comma after "funds".
 - g) In line 494, bolded "Net Excess Margin" and moved it to line 493, after "or".

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Agency has made all the changes to which it agreed with the Joint Committee.
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Part 1120 contains the Health Facilities Planning Board's (State Board) rules regarding the economic and financial feasibility review criteria for health care facilities. These rules are one of the main tools used by the State Board in assessing the need for a proposed project under the Certificate of Need (CON) program. These amendments will reduce the categories of application review from three types to two types, eliminate some review criteria and data reporting requirements, clarify information and review criteria requirements, and update and change financial and economic feasibility standards to reflect financial and industry market trends and norms.
- 16) Information and questions regarding these adopted rules shall be directed to:
- Donald Jones
 Health Facilities Planning Board
 Division of Facilities Development
 525 West Jefferson, 2nd Floor
 Springfield, IL 62761
 217-782-3516

The full text of the Adopted Amendment(s) begins on the next page:

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER II: HEALTH FACILITIES PLANNING BOARD
SUBCHAPTER b: OTHER BOARD RULES

PART 1120

HEALTH FACILITIES PLANNING FINANCIAL AND ECONOMIC FEASIBILITY REVIEW

SUBPART A: STATUTORY AUTHORITY, DEFINITIONS, APPLICABILITY AND REVIEW REQUIREMENTS

Section
1120.10 Statutory Authority and Definitions
1120.20 Applicability and Review Requirements

SUBPART B: INFORMATION REQUIREMENTS

Section
1120.110 Project and Related Cost Data
1120.120 Information Requirements for Financial Feasibility
1120.130 Information Requirements for Economic Feasibility

SUBPART C: FINANCIAL FEASIBILITY REVIEW CRITERIA

Section
1120.210 Financial Feasibility Review Criteria

SUBPART D: ECONOMIC FEASIBILITY REVIEW CRITERIA

Section
1120.310 Economic Feasibility Review Criteria

APPENDIX A Financial and Economic Review Standards

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Emergency amendments at 16 Ill. Reg. 13132, effective August 4, 1992, for a maximum of 150 days; emergency expired on January 1, 1993; adopted at 17 Ill. Reg. 4431, effective March 22, 1993; recodified at 20 Ill. Reg. 2596; amended at 21 Ill. Reg. 15874, effective JAN 1 1998.

SUBPART A: STATUTORY AUTHORITY, DEFINITIONS, APPLICABILITY AND REVIEW REQUIREMENTS

Section 1120.10 Statutory Authority and Definitions

- a) Statutory Authority
This Part is filed pursuant to Section 12 of the Illinois Health

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

Facilities Planning Act (Act) [20 ILCS 3960/12] ~~title--Rev--Stat--1991~~
~~ch--11-1/2--part--1162~~. A public hearing on this Part was held in accordance with the provisions of Section 12 of the Act. The Executive Secretary maintains a record of the public hearing on this Part. Copies of the public hearing record are available for inspection at the offices of the State Board at 525-535 West Jefferson Street, Springfield, IL 62761.

b) Definitions

1) "Capital Expenditure" means an expenditure as defined in the Act [20 ILCS 3960/3] and includes expenditures made by, through, or on behalf of a health care facility as specified at 77 Ill. Adm. Code 1130.

2) "Debt Financing" means all or any portion of project costs financed through borrowing. Leasing is, for purposes of this Part, considered to be borrowing. Portions of lease payments which are for service, insurance, or other noncapital costs are not considered borrowing.

3) "Economically Feasible" means the costs of financing, constructing, acquiring, and operating a proposed project are reasonable and the expected impact of the project's operating and capital costs on the overall costs of health care are reasonable.

4) "Estimated Total Project Cost" means the dollar amount of all expenditures or other transactions required to complete a project. Such amount includes all items that are to be capitalized and also includes the fair market value of any items which may be acquired through lease, donation, gift or other means.

5) "Fair Market Value" means the dollar value of a project or any component of a project that is accomplished by lease, donation, gifts or any other means which would have been required for purchase, construction, or acquisition.

6) "Financially Feasible" means that funds are available or will be obtained that are equal to or in excess of the estimated total project and related costs without jeopardizing the applicant's financial viability.

(Source: Amended at 21 Ill. Reg. 15874, effective

Section 1120.20 Applicability and Review Requirements

a) Applicability

The State Board shall review applications for permit to determine financial and economic feasibility pursuant to the standards and criteria of this Part. All applications shall be subject to this Part except for:

- 1) those applications which are classified as emergency under 77 Ill. Adm. Code 1130; or

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) those applications which are solely for discontinuation provided that the discontinuation has no cost; or
- 3) those applications which are solely for the establishment of the acute care beds certified for extended care category of service provided the establishment has no cost; or
- 4) those applications which have been deemed complete pursuant to the provisions of 77 Ill. Adm. Code 1130, prior to the effective date of this Part.

b) Review Category

- 1) Applications for permit submitted by persons other than the Department of Mental Health and Developmental Disabilities and the Department of Veterans Affairs shall be categorized as Category A or 7 B or E pursuant to the following:

A) Category A--applications which have no project cost or an estimated total project cost below \$2 million and which do not propose the establishment of a new category of service or of a health care facility;

B) Category B--all applications which are not Category A, have no project cost or an estimated total project cost below \$2 million--and--which--propose--the--establishment--of--a--new category of service or of a health care facility;

C) Category C--applications--which--have--an--estimated--total project cost of \$2 million or more.

- 2) Applications submitted by the Department of Mental Health and Developmental Disabilities and by the Department of Veterans Affairs shall not be categorized. Those applications must provide the information required by Sections 1120.110 and 1120.120, and be reviewed for conformance with the review criteria of Sections 1120.210(b) and 1120.310(d).

- 3) Category B or E projects which are master design projects shall be reviewed for the financial and economic compliance of the master design costs. The applicant shall comply with all information requirements and be reviewed against the applicable review criteria for Category B or E projects. In addition the master plan and future construction or modification project(s) associated with the master design shall be reviewed for both financial and economic feasibility. All proposed future project(s) detailed in the master design project shall also be reviewed as Category B or E project(s) subject to the referenced review criteria excluding Terms of Debt Financing (Section 1120.310(b)), Reasonableness of Project Costs (Section 1120.310(d)), and Reasonableness of Resultant Operating Costs (Section 1120.310(e)).

c) Information Requirements

Applicants (including co-applicants) other than the Departments of Veterans Affairs and Mental Health and Developmental Disabilities must provide the information specified in Table I according to the application's review category. When there are co-applicants to a proposed project, the information required in Table

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

I must be provided for each co-applicant.

Table I

Information Requirements

Review Category
A B E

Project Cost Data (Section 1120.110)

Yes Yes Yes

Sources and Uses of Funds (Section 1120.120)

Yes Yes Yes

Historical Financial Statements (Section 1120.130(a))

Yes Yes Yes

Depreciation and Amortization (Section 1120.130(b))

No Yes Yes

Historical and Projected Patient Statistics (Section 1120.130(c))

No Yes Yes

Projected Financial Statements (Section 1120.130(d))

Yes No Yes* Yes

Assumptions (Section 1120.130(e))

Yes No Yes Yes

Projected Capital Costs (Section 1120.130(f))

No Yes No Yes

Projected Operating Costs (Section 1120.130(g))

Yes Yes Yes

Projected Capital and Operating Costs (Section 1120.130(h))

No No Yes

*Applies only to applications proposing to establish health care facilities.

d) Review Criteria

Category A and 7 B or E applications will be reviewed for conformance with the applicable review criteria specified in Table II.

Table II

Applicable Review Criteria

Review Category
A B E

Financial Viability (Section 1120.210(a))

Yes* Yes* Yes

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

Availability of Funds (Section 1120.210(b))	Yes	Yes	Yes
Operating Start Up Costs (Section 1120.210(c))	No	Yes	Yes
Reasonableness of Financing Arrangements (Section 1120.310(a))	No	Yes	Yes
Terms of Debt Financing (Section 1120.310(b))	Yes	Yes	Yes
Costs of Debt Financing (Section 1120.310(c))	No	Yes	Yes
Reasonableness of Project Costs (Section 1120.310(d))	Yes	Yes	Yes
Reasonableness of Resultant Operating Costs (Section 1120.310(e))	Yes	Yes	Yes
Total Effect on Capital Costs (Section 1120.310(f))	No	Yes	No
Non-Patient Related Services (Section 1120.310(g))	No	Yes	No
*Applies only to applications for which the applicant has a \$1 million or more of capital assets:			

(Source: Amended at 21 Ill. Reg. 15878, effective 1/1/98)

SUBPART B: INFORMATION REQUIREMENTS

Section 1120.110 Project and Related Cost Data

- a) Estimated Total Project Cost
- The applicant shall provide project cost information for each of the following components as is applicable. When a project or any component of a project is to be accomplished by lease, donation, gift or any other means, the fair market value or dollar value which would have been required for purchase, construction, or acquisition shall be included in the estimated total project cost. The applicant shall submit documentation as to the fair market or dollar value in accordance with the requirements of 77 Ill. Adm. Code 1190.40.
- 1) Preplanning costs--includes costs incurred prior to the submission of an application, such as development and feasibility studies, market studies, legal fees, bid solicitation, etc.;
 - 2) Site survey and soil investigation fees--includes costs for surrounding surveying of a proposed project site and resulting

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

- soil investigation fees;
- 3) Site preparation including---demonition---of---existing structures---includes costs of rental equipment for earthwork, concrete, lifting and hoisting, site drainage, utilities, demolition of existing structures, clearing, grading and earthwork;
 - 4) Off-site work--includes costs of drainage, pipes, utilities, sewerage, roads, and walks;
 - 5) Construction and modernization contracts including---fixed equipment---includes expenses covered under the construction contract, including major medical and other fixed equipment, contractor's overhead and profit;
 - 6) Contingencies--means an allowance for unforeseeable events relating to construction or modernization;
 - 7) Architectural & engineering fees--includes fees associated with the development and implementation of drawings and design materials for a proposed project;
 - 8) Consulting and other fees--includes charges for the services of various types of consulting and professional expertise, including environmental impact, acoustical studies, computer software fees, etc.;
 - 9) Movable capital equipment not in construction contracts--includes the cost of all movable capital equipment, including any movable major medical equipment and the cost of installation of the equipment, excluding any trade-in allowances on existing equipment;
 - 10) Bond issuance expense--includes all costs associated with the issuance of bonds to finance a project, including issuer's fees, bond counsel's fees, official statements (feasibility study), official statement printing, printing of bonds, survey of the collateral site, title insurance to property, auditor's fees, trustee fees, underwriters' discount, and government fees (if applicable);
 - 11) Net interest expense during construction--means the difference between interest earned on funds for construction and interest expense on the amount of borrowed funds;
 - 12) Other costs which are to be capitalized--includes miscellaneous fees and working capital expenses related to the project; and
 - 13) Acquisition of buildings or other property--includes the cost incurred (or the fair market value) for the acquisition of buildings or property for the project. Any acquisition which has occurred within two years from the date the application for permit is submitted must be included as part of project costs.
- Acquisition-of-buildings-or-other-property**
- b) Related Cost Data
- 1) Land Acquisition Cost
- The applicant shall provide the purchase price or fair market value, whichever is applicable, for the acquisition of land that

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

is required in order to undertake the project. Acquisition of land is not a capital expenditure and is not included as part of project costs.

- 2) Operating Start-up Costs
The applicant shall provide a schedule of estimated non-capitalized operating start-up costs and an estimate of any initial operating deficit.

AGENCY NOTE: Any capitalized costs which are related to the start-up costs of a facility must be included in the total estimated project cost.

- 3) Construction and Modernization Costs and Schedule
The applicant shall provide construction and modernization costs on the basis of cost-per-square-foot and a construction or project completion schedule which details the anticipated dates and percent of project construction or modernization completion at the 25th, 50th, 75th, 95th and 100th percentile of project funds expended. Shows dollar expenditures by month and year through project completion.

- 4) Debt Service Reserve Fund
Applicants shall provide the amount that will be placed in a debt service reserve fund and shall also provide the terms and conditions of uses of the fund.

(Source: Amended at 21 Ill. Reg. 15872, effective July 1, 1998)

Section 1120.130 Information Requirements for Economic Feasibility

- a) Historical Financial Statements
The applicant must provide the most recent three years' audited financial statements including the following:
- 1) Balance sheet;
 - 2) Income statement;
 - 3) Changes in fund balance; and
 - 4) Change in financial position.
- b) Depreciation and Amortization
The applicant must provide estimated depreciation and amortization costs and a related schedule for the project.
- c) Historical and Projected Patient Statistics
The applicant must provide a statement of patient statistics including revenue and patient days by level of care, beds by level of care, net at least patient days by source of payment for three years through the first full fiscal year after project completion or for the first full fiscal year when the project achieves or exceeds target utilization pursuant to 77 Ill. Adm. Code 1100, whichever is later. The projections must be based upon the target utilization levels.
- d) Projected Financial Statements
The applicant must provide projected annual financial statements

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

including balance sheets, income statements, and changes in financial positions position for: a--period-extending-from-the-fisc--audited fiscal-year-through:

- 1) The first full fiscal year after project completion; or
- 2) For the first full fiscal year when the project achieves or exceeds target utilization pursuant to 77 Ill. Adm. Code 1100, whichever is later. The projections must be based upon the target utilization levels.

e) Assumptions

The applicant must provide the assumptions used in the projections of patient statistics and financial statements including the following:

- 1) Basis underlying the assumptions;
- 2) Substantiation of data, formulae, and references employed in the assumptions.

f) Projected Capital Costs

The applicant must provide the annual projected capital costs (depreciation, amortization, and interest expense) for: including:

- A) Annual capital costs; and
- B) Annual capital costs-increase-attributable-to-the-project--the-projected-capital-costs-shall-be-for-the-following-period:

- 1) A) The first full fiscal year after project completion; or
- 2) B) The first full fiscal year when the project achieves or exceeds target utilization pursuant to 77 Ill. Adm. Code 1100, whichever is later.

g) Projected Operating Costs

The applicant must provide projected operating costs (excluding depreciation and stated in current dollars based on the full-time equivalents (FTEs FTEs) and other resource requirements) for the first full fiscal year after project completion or the first full fiscal year when the project achieves or exceeds target utilization pursuant to 77 Ill. Adm. Code 1100, whichever is later, including:

- 1) Annual operating costs; and
- 2) Annual operating costs change (increase or decrease) attributable to the project

h) Projected Capital and Operating Costs

The applicant must provide the projected total costs--the sum--of capital--and--operating--costs--items--from--subsections--(f) and--(g) above--for the first full fiscal year after project completion or the first full fiscal year when the project achieves or exceeds target utilization pursuant to Part 1100, whichever is later.

(Source: Amended at 21 Ill. Reg. 15872, effective July 1, 1998)

SUBPART C: FINANCIAL FEASIBILITY REVIEW CRITERIA

Section 1120.210 Financial Feasibility Review Criteria

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

a) Financial Viability--Review Criterion

1) Viability Ratios

Applicants (including co-applicants) who have \$1-million or more in capital assets must document compliance with viability ratio standards detailed in Appendix A of this Part or address a variance. Applicants must document compliance for the most recent three years for which audited financial statements are available. For Category B & applications, the applicant also must document compliance through the first full fiscal year after project completion or for the first full fiscal year when the project achieves or exceeds target utilization pursuant to 77 Ill. Adm. Code 1100, whichever is later, or address a variance.

~~AGENCY NOTE: Applicants with less than \$1-million in capital assets are not subject to this criterion.~~

2) Variance for Applications Not Meeting Ratios

Applicants not in compliance with any of the viability ratios must document one of the following: A) evidence that another organization, public or private, shall assume the legal responsibility to meet the debt obligations should the applicant default; or

B) evidence based upon projected financial statements and assumptions that for the first full fiscal year after project completion or the first full fiscal year when the project achieves or exceeds target utilization pursuant to 77 Ill. Adm. Code 1100, whichever is later, the applicant will meet the standards in Appendix A of this Part.

b) Availability of Funds--Review Criterion

The applicant must document that financial resources shall be available and be equal to or exceed the estimated total project cost and any related cost.

c) Operating Start-up Costs--Review Criterion

The applicant must document that financial resources shall be available and be equal to or exceed any start-up expenses and any initial operating deficit.

SUBPART D: ECONOMIC FEASIBILITY REVIEW CRITERIA

Section 1120.310 Economic Feasibility Review Criteria

a) Reasonableness of Financing Arrangements--Review Criterion

The applicant must document that the project will be funded with cash and equivalents including investment securities, unrestricted funds, and funded depreciation as currently defined by the Medicare regulations (42 U.S.C. 1395) unless cash and equivalents must be retained for either of the following:

- 1) a portion or all of the cash and equivalents must be retained in the balance sheet asset accounts in order that the current ratio does not fall below 2.0 times; or

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 2) borrowing is less costly than the liquidation of existing investments. The applicant must provide documentation of the investment portfolio and evidence that supports retaining such investments.

b) Terms of Debt Financing--Review Criterion

The applicant must document that the selected form of debt financing the project will be at the lowest net cost available or if a more costly form of financing is selected, that form is more advantageous due to such terms as prepayment privileges, no required mortgage, access to additional indebtedness, term (years), financing costs, and other factors. The applicant shall also document that the expenses incurred with leasing a facility and/or equipment are less costly than constructing a new facility or purchasing new equipment.

c) Costs of Debt Financing--Review Criterion

The applicant must document that the costs of debt financing (i.e., debt service) shall not exceed the standards detailed in Appendix A of this Part.

- 1) In determining compliance with the debt services standards, the Agency shall adjust the amount of debt and not consider the amount of debt for those obligations which can readily be retired from existing investments.

- 2) The applicant must document that the existing investments (being retained to retire such debt) are liquid and that the ability exists to retire such debt within 60 days. The applicant must also provide documentation of the investment portfolio to verify the liquidity of such investments.

d) Reasonableness of Project and Related Costs--Review Criterion

- 1) Construction and Modernization Costs
Construction and modernization costs per square foot for non-hospital based ambulatory surgical treatment centers and for facilities for the developmentally disabled, and for chronic renal dialysis treatment centers projects shall not exceed the standards detailed in Appendix A of this Part. For all other projects, construction and modernization costs per square foot shall not exceed the adjusted (for inflation, location, economies of scale and mix of service) third quartile as provided for in the Means Building Construction Cost Data publication.

2) Contingencies

Contingencies (stated as a percentage of construction costs for the stage of architectural development) shall not exceed the standards detailed in Appendix A of this Part. Contingencies shall be for construction or modernization only and shall be included in the cost per square foot calculation.

AGENCY NOTE: If, subsequent to permit issuance, contingencies are proposed to be used for other line item costs, an alteration to the permit (as detailed in 77 Ill. Adm. Code 1130.750) must be approved by the State Board prior to such use.

3) Architectural Fees

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

Architectural fees shall not exceed the fee schedule standards detailed in Appendix A of this Part.

- 4) Major Medical and Movable Equipment
 - A) For each piece of major medical equipment, the applicant must document that the lowest net cost available has been selected, or if not selected, that the choice of higher cost equipment is justified due to such factors as, but not limited to, maintenance agreements, options to purchase, or greater diagnostic or therapeutic capabilities.
 - B) Total movable equipment costs shall not exceed the standards for equipment as detailed in Appendix A of this Part.
- 5) Other Project and Related Costs

The applicant must document that any preplanning, acquisition, site survey and preparation costs, ~~debt-service-reserve-funds~~, net interest expense and other estimated costs do not exceed industry norms based upon a comparison with similar projects that have been reviewed.

Reasonableness of Resultant Operating Cost--Review Criterion

The Applicant must document that operating costs resulting from the project shall be reasonable in relation to the operating costs of comparable providers and similar services based upon cost analysis detailed in Appendix A of this Part.

- f) Total Effect of the Project on Capital Costs--Review Criterion

The applicant must document that:

 - 1) the total ~~total~~ projected annual capital costs (in current dollars per equivalent patient day for the first full fiscal year after project completion or the first full fiscal year when the project achieves or exceeds target utilization pursuant to 77 Ill. Adm. Code 1100, whichever is later) shall be reasonable in comparison to comparable providers and similar services and not exceed the standards detailed in Appendix A of this Part ~~or~~.
 - 2) there will be a reduction in the applicant's annual operating costs which equals or exceeds the projected annual capital cost attributable to the project.
- g) Non-patient Related Services--Review Criterion

The applicant must document that projects involving non-patient related services (doctors' offices, parking garages, day care centers, independent living units apartments, etc.) will be self-supporting and not result in increased charges to patients or that increased charges to patients are justified based upon such factors as, but not limited to, a cost benefit or other analysis which demonstrates that the project will improve the applicant's financial viability.

(Source: Amended at 21 Ill. Reg. 15872, effective Jan 1, 1998)

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 1120.APPENDIX A Financial and Economic Review Standards

Review Criterion 1120.210(a), Financial Viability

Current Ratio = 1.5

Current Assets/Current Liabilities

Net Margin Percentage or

Net Excess Margin =

Net income/Net operating revenue 3.5% for hospitals and facilities other than long-term care 3%

X 100% 2.5% for long-term care facilities

Percent Debt to Total Capitalization = 60% for hospitals

Long-term debt/Long-term debt and 80% for other facilities

unrestricted fund balance X 100%

Projected Debt Service Coverage =

Net Income + Depreciation + 1.75 for hospitals and facilities other than long-term care 1.5

Interest + Amortization/ 1.50 for long-term care facilities

Principal and Interest (for year of maximum debt service after project completion)

Days Cash on Hand =

Cash and Investments + 90 days for hospitals and facilities other than long-term care

Board Designated Funds/ 75 days for long-term care facilities

Operating Expense - 45 days for ICF/DD facilities

Depreciation Expense/365

Cushion Ratio =

Cash and Investments + 5 for hospitals and facilities other than long-term care

Board Designated Funds/ 3 for long-term care facilities

Maximum Annual Debt Service

AGENCY NOTE: If an applicant operates a hospital and other health care facility(ies) and has combined or consolidated financial statements, all of the hospital standards in this table shall apply to the applicant.

Review Criterion 1120.310(c), Cost of Borrowed Funds

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

Hospitals	Nursing	Gen-LTC	ICF/DD	Sheltered Care	ESRD's	ASTC's
					Per Station	Per OR
Debt Service/Equivalent Adjusted Patient Day						
\$51,413,742	\$19,849,46	\$14,994,00		\$12.23	\$112.18	N/A
						\$177.41

Debt/Adjusted Bed	29,668	22,333	N/A	N/A	N/A	N/A
Annual Debt Service - Lease Payment/Operating Room	N/A	N/A	N/A	N/A	N/A	\$132,388

For hospital projects, adjustments for projected patient days and projected jeds consist of utilizing the historical revenue from emergency and outpatient sources into inpatient revenues from routine and ancillary services.

Review Criterion 1120.310(d), Reasonableness of Project and Related Costs

Construction and Modernization Costs (per gross square foot)

	Hospitals	Gen. LTC	ICF/DD	ESRDs	ASTCs
				ESRD's	ASTC's
New Construction Costs	Adjusted Third Quartile from Means	Adjusted Third Quartile from Means	\$62-00	\$199-76	\$127-92
			\$79.13	\$99.23	\$177.30
Modernization Costs	70% of above figure	70% of above figure	N/A	\$84-20	\$82-12
				N/A	\$105.65

AGENCY NOTE: Standards are based upon 1996 data and will be adjusted (inflated or deflated by the lesser of 3% or the latest capital expenditure inflation factor as published pursuant to 77 Ill. Adm. Code 1130.Appendix A) for review purposes to the first fiscal year after project completion or the first full fiscal year when the project achieves or exceeds target utilization pursuant to 77 Ill. Adm. Code 1100, whichever is later.

Type of Drawing	New Construction	Remodeling
Working drawings/Schematics	10%	10-15%
Preliminary Working Drawings	7%	7-10%
Final Working Drawings	3-5%	5-7%

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

CAPITAL DEVELOPMENT BOARD
BASIC RATE and/or ANB/OR FIXED FEE SCHEDULE
FOR ARCHITECTURAL and ENGINEERING COSTS ARCHITECT-AND-ENGINEER

Construction and Contingencies Cost	Hospitals, Nursing Facilities, Developmental Centers, ASTCs, ESRD's, ESRD's, Mental Illness, Laboratories	ESRD, Sheltered Care, Dietary, Laundry, Classrooms, Office Buildings	Independent Living, Independent Living Apartments, Parking Structures, Site Work, Warehouses
-------------------------------------	---	--	--

\$300,000	11.42%	10.41%	9.39%
350,000	11.14	10.13	9.11
400,000	10.88	9.87	8.85
450,000	10.65	9.64	8.62
500,000	10.43	9.41	8.40
550,000	10.20	9.19	8.17
600,000	10.14	9.13	8.11
650,000	10.01	9.00	7.98
700,000	9.90	8.88	7.87
750,000	9.80	8.78	7.77
800,000	9.70	8.68	7.67
850,000	9.59	8.58	7.56
900,000	9.51	8.50	7.48
950,000	9.45	8.44	7.42
1,000,000	9.39	8.38	7.36
1,250,000	9.19	8.17	7.16
1,500,000	9.03	8.01	7.00
1,750,000	8.88	7.87	6.85
2,000,000	8.76	7.74	6.73
2,250,000	8.63	7.61	6.60
2,500,000	8.51	7.50	6.48
2,750,000	8.41	7.39	6.38
3,000,000	8.31	7.29	6.27
3,250,000	8.21	7.20	6.18
3,500,000	8.14	7.12	6.11
3,750,000	8.06	7.05	6.03
4,000,000	7.99	6.98	5.96
4,250,000	7.92	6.90	5.89
4,500,000	7.86	6.84	5.83
4,750,000	7.80	6.78	5.77

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

5,000,000	7.74	5.71
5,250,000	7.68	5.65
5,500,000	7.62	5.59
5,750,000	7.57	5.54
6,000,000	7.53	5.50
6,250,000	7.48	5.45
6,500,000	7.44	5.41
6,750,000	7.40	5.37
7,000,000	7.36	5.33
8,000,000	7.24	5.21
9,000,000	7.16	5.13
10,000,000	7.11	5.08
12,500,000	7.04	5.03
15,000,000	6.95	4.96
17,500,000	6.87	4.91
20,000,000	6.80	4.86
22,500,000	6.72	4.82
25,000,000	6.65	4.78
27,500,000	6.56	4.72
30,000,000	6.48	4.67
32,500,000	6.41	4.62
35,000,000	6.34	4.57
37,500,000	6.25	4.53
40,000,000	6.17	4.49
42,500,000	6.10	4.43
45,000,000	6.02	4.38
47,500,000	5.94	4.32
50,000,000	5.86	4.29
52,500,000	5.79	4.23
55,000,000	5.71	4.18
57,500,000	5.64	4.13
60,000,000	5.55	4.09
62,500,000	5.48	4.03
65,000,000	5.40	3.99
67,500,000	5.32	3.94
70,000,000	5.24	3.90
72,500,000	5.17	3.84
75,000,000	5.10	3.80
77,500,000	5.03	3.76
80,000,000	4.94	3.71
85,000,000	4.78	3.60
90,000,000	4.63	3.50
95,000,000	4.49	3.40
100,000,000	4.32	3.30
999,999,999	4.32	3.30

Source: Handbook of Tables and Fee Schedule: Published by the Capital Development Board, 401 South Spring Street, Springfield, Illinois 62706.

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

AGENCY NOTE: Projects solely for modernization shall be allowed an additional 2% above the rate listed. For example, a modernization project which costs \$300,000 would be allowed 11.42% of construction and contingency costs for architectural and engineering fees from the fee schedule. The Agency would add 2% to this allowance, thus revising the standard to 13.42%.

Review Criterion 1120.310(d), Reasonableness of Project and Related Costs

Hospitals	General LTC	ICF/DD	ESRDs ESRD+s	ASTCs ASWC+s
-----------	-------------	--------	-----------------	-----------------

Movable Equipment

N/A	\$2,7876	\$1,7765	\$31,303	\$255,7192
	\$4,286/bed	\$2,365/bed	\$24,429/station	\$274,596/OR

AGENCY NOTE: Standards are based upon 1996 data and will be adjusted (inflated or deflated by the lesser of 3% or the latest capital expenditure inflation factor as published pursuant to 77 Ill. Adm. Code 1130. Appendix A) for review purposes to the first fiscal year after project completion or the first full fiscal year when the project achieves or exceeds target utilization pursuant to 77 Ill. Adm. Code 1100, whichever is later.

Other Project and Related Costs

Preplanning--Costs shall not exceed 1.8% of construction, contingencies and equipment costs.

Site survey and preparation--Costs shall not exceed 5.0% of construction and contingency costs.

Debt-service-reserve-fund--Costs shall not exceed the lesser of:

- 1) maximum-annual-principal-and-interest-payments; or
- 2) ten-percent-of-the-total-amount-of-the-borrowing; or
- 3) one-hundred-twenty-five-percent-of-the-average-annual-debt-service payments.

Review Criterion 1120.310(e), Reasonableness of Resultant Operating Costs
For all categories of services pursuant to 77 Ill. Adm. Code 1110 with the exception of nursing general--long-term care categories of service and specialized long-term care services for the developmentally disabled, projected operating costs resulting from the project shall not exceed the median value of total direct costs on a per case or procedure basis.

Comparable providers are those with similar levels of care and services, similar bed capacities and ancillary support services and similar payor mix.

Direct costs means the fully allocated costs of salaries, benefits, and supplies for the service.

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

The median value for the following categories of services is:

Open Heart Surgery	\$15,427,107-480	Lithotripsy	\$2,559
Acute Mental Illness	\$278	Med-Surge/Peds	\$334,473
Rehabilitation	\$178	Neonatal ICU	\$N/A
Intensive Care	\$6425+2	MRI	\$18200
Cardiac Cath.	\$993873	Rad. Therapy	\$58
Substance Abuse	\$137	Kidney Trans-plant	\$N/A
Obstetrics	\$207	Burn Care	\$411N/A
Sheltered Care	\$72	ESRD	\$98

AGENCY NOTE: Standards are based upon 1996 data and will be adjusted (inflated or deflated by the lesser of 3% or the latest capital expenditure inflation factor as published pursuant to 77 Ill. Adm. Code 1130.Appendix A) for review purposes to the first fiscal year after project completion for the first full fiscal year when the project achieves or exceeds target utilization pursuant to 77 Ill. Adm. Code 1100, whichever is later.

For all nursing and general specialized long-term care services for the developmentally disabled, operating costs shall not exceed the median values of costs calculated from the Medicaid cost reports filed with the Finance Section of the Illinois Department of Public Aid.

Median values shall be adjusted for inflation (inflated or deflated by the lesser of 3% or the latest capital expenditure inflation factor as published pursuant to 77 Ill. Adm. Code 1130.Appendix A) and comparability with other providers.

Review Criterion 1120.310(f), Total Effect of the Project on Capital Costs

Total Capital Expense/	Medical School Hospital	Non-Medical School		Gen. LTC	ICF/DD	ASTCs
		Hospital	Hospitals			ASTCs
Adjusted Patient Day	\$205.58		\$104,938+64	N/A	N/A	N/A

*Various--economic--feasibility--standards--are--based--upon--1991--data--and--will--be--adjusted--for--review--purposes--to--the--first--fiscal--year--after--project--completion--for--the--first--full--fiscal--year--when--the--project--achieves--or--exceeds--target--utilization--pursuant--to--77--Ill--Reg--Code--1100--whichever--is--later--

AGENCY NOTE: Standards are based upon 1996 data and will be adjusted (inflated or deflated by the lesser of 3% or the latest capital expenditure inflation factor as published pursuant to 77 Ill. Adm. Code 1130.Appendix A) for review purposes to the first fiscal year after project completion or the first full fiscal year when the project achieves or exceeds target utilization pursuant to 77 Ill. Adm. Code 1100, whichever is later.

HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 21 Ill. Reg. 103.02, effective 1/1/98)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Regulations Under Illinois Securities Law of 1953
- 2) Code Citation: 14 Ill. Adm. Code 130
- 3) Section Numbers:
 130.110 Amend
 130.120 Amend
 130.130 Amend
 130.142 Repeal
 130.145 Amend
 130.200 Amend
 130.211 Amend
 130.234 Repeal
 130.235 Repeal
 130.242 Amend
 130.246 Amend
 130.280 Amend
 130.281 New
 130.420 Amend
 130.440 Amend
 130.442 Amend
 130.520 Amend
 130.530 Amend
 130.630 Amend
 130.805 Amend
 130.806 New
 130.810 Amend
 130.822 Amend
 130.823 Amend
 130.824 Amend
 130.832 Amend
 130.838 New
 130.839 New
 130.840 Amend
 130.841 Amend
 130.842 Amend
 130.843 New
 130.845 Amend
 130.852 Amend
 130.853 Amend
 130.854 Amend
 130.873 Amend
- 4) Statutory Authority: 815 ILCS 5
- 5) Effective Date of Amendments: December 1, 1997

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: December 1, 1997
- 9) Notice(s) of Proposal Published in Illinois Register: August 22, 1997, 21 Ill Reg 11636
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Difference(s) between proposal and final version: The following changes were made as a result of public comments. In addition, changes were made regarding grammar and punctuation as a result of public comments and JCAR comments.
- Section 130.145(c) - Delete "the time required by this Act. Upon request, an electronic filer shall furnish to the Securities Department the original of any or all documents required to be retained pursuant to the Act." and replace with "a period of six years from the date of expiration or termination of the registration of the security, salesperson, dealer, investment adviser or investment adviser representative."
- Section 130.200 - Add "Federal covered investment adviser representative" means any person with a place of business in this State who is an investment adviser representative of a federal covered investment adviser."
- Section 130.246(e) - Delete "who have been prequalified as accredited investors as defined in" and add ", to whom an offer, sale or issuance of a security would be exempt pursuant to".
- Section 130.440(a) - Delete "first" after "the" and add "the first" between "of" and "sale" in the fifth line and add "such" before "sale" in the last line.
- Section 130.440(d) - Add "general" before "solicitation" in the third line and add ", discounts or other remuneration" after "commissions" and add a comma after "paid" in the fourth line.
- Section 130.805(b) - Add "or federal covered investment adviser" after "adviser" in the last line.
- Section 130.810(d)(4) - Add "have a registration" after "must" and delete "be" before "registered" in the sixth line and add "with" after "member" and delete "by" in the seventh line.
- Section 130.838(b) - Add "Schedule" before "I" at the end of the second

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

line.

Section 130.842 - Add "E) Designation of Certified Investment Management Consultant (CIMC) by the Institute for Investment Management Consultants."

Section 130.843 - Add "5) Designation of Certified Investment Management Consultant (CIMC) by the Institute for Investment Management Consultants."

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these amendments replace emergency rules currently in effect? Yes

14) Are there any amendments pending on this Part? Yes

Section Numbers:	Proposed Action:	Illinois Register Citation:
130.1102	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1104	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1107	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1109	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1110	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1111	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1114	Repeal	July 11, 1997, 21 Ill. Reg. 8861
130.1115	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1118	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1123	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1124	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1126	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1129	Amended	July 11, 1997, 21 Ill. Reg. 8861
130.1130	New	July 11, 1997, 21 Ill. Reg. 8861
130.1131	New	July 11, 1997, 21 Ill. Reg. 8861

15) Summary and Purpose of Amendments: Section 130.110 Payment of Fees is amended to revise securities registration and filing fees, authorize notification filing fees and renewal fees for Federal Covered Investment Advisers, registration fees for representatives of Federal Covered Investment Advisers and Investment Advisers, other fees for Federal Covered Investment Advisers and the representatives of Federal Covered Investment Advisers and Investment Advisers, and delete the reference to the Investment Adviser Examination fee.

Section 130.110(e) is amended to provide that fees that are paid within \$5.00 of the actual amount due are acceptable when the fee requires a calculation.

Section 130.120 is amended to authorize filing of registrations, exemptions, and certain notices in both the Springfield and Chicago offices. The amendment also authorizes facsimile and electronic filing for

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

such filings.

Section 130.130(a)(4) is added to define the date when an electronic message is deemed filed.

Section 130.142 is repealed.

Section 130.145(c) is added to set forth the signature requirements for electronic and facsimile filings.

Section 130.200 is amended to add the definitions of "place of business" and "State Bond Mortgage Company".

Section 130.211 is amended to expand the definition of "acts of a salesperson or dealer that do not constitute an offer of securities".

Section 130.234 is repealed.

Section 130.235 is repealed.

Section 130.242 is amended to delete a reference to Section 4.D which is no longer applicable.

Section 130.246(e) is added to clarify that the terms "general advertising" or "general solicitation" do not include certain announcements delivered through an electronic database when access is restricted to accredited investors.

Section 130.280 is amended to delete references to investment adviser branch offices to be consistent with a new federal definition of investment adviser branch offices.

Section 130.281 is added to adopt the new definition of investment adviser and federal covered investment branch offices provided in federal law.

Section 130.420 is amended to delete references to Rule 506 offerings, and to add Securities and Exchange Commission orders as grounds for denying a Uniform Limited Offering Exemption.

Section 130.440 is amended to revise the Section 4.G Report of Sale filing procedures. It provides for one filing no later than twelve months after the date of the first sale and certain attestations for the filing party. It also deletes the formula for calculating the fee, and provides for a flat fee.

Section 130.442 deletes the requirement for the total amount of securities sold and the names and addresses of purchasers to be listed on the Section 4.G Report of Sale. The Section is amended to add a reporting requirement

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

for the date of the initial sales of securities to residents of the State of Illinois for the current reporting period.

Section 130.520 is amended to delete the required filing of consent to service of process, articles of incorporation and by laws, permit the filing of applications in Chicago and require notice of SEC effectiveness for offerings filed under Regulation A of the Federal 1933 Act.

Section 130.530 is amended to increase the number of days prior to the expiration within which a renewal application must be filed without requiring a late fee to be consistent with the Act.

Section 130.630 is amended to increase the number of days prior to the expiration within which a renewal application must be filed without requiring a late fee to be consistent with the Act.

Section 130.805 is amended to adopt the federal definition of the number of clients allowed in 12 consecutive months before registration is required.

Section 130.806 is added to authorize investment advisers, federal covered investment advisers and investment adviser representatives to place information on the Internet regarding their advisory services.

Section 130.810 is amended to delete the required filing of forms designating the dealers accountant and audit date, subordinated loan agreement, articles of incorporation, by-laws and a copy of Form BD by member firms of a registered self-regulatory organization.

Section 130.822 is amended to update examination requirements for designated principals of a dealer.

Section 130.823 is amended to authorize a procedure for the waiver of examination requirements for investment adviser representatives and principals.

Section 130.824 is amended to delete the required filing of financial statements of dealers that file if the financial statement is filed with a registered self-regulatory organization.

Section 130.832 is amended to update examination requirements for salespersons.

Section 130.838 is added to develop procedures for the notification filing and fees of Federal Covered Investment Advisers. The Illinois Securities Act has been amended to authorize notification filing of Federal Covered Investment Advisers and the collection of fees.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section 130.839 is added to develop procedures for the registration of investment adviser representatives. The Illinois Securities Act has been amended to authorize the registration of investment adviser representatives.

Section 130.840 is amended to delete required filing of consent to service of process, Form 8.D(10) or Schedule D, form listing the audit date and attestation that applicant has read and understands the Act and Rules; and requires the filing of only page one of the most recent articles of incorporation or other document showing the legal name of the applicant and Form U-4s for each investment adviser representative.

Section 130.841 is amended to set forth the branch office reporting requirements for Federal Covered Investment Advisers.

Section 130.842 is amended to update examination or education program requirements for designated principals of investment advisers.

Section 130.843 is added to set forth examination or education program requirements for registration of investment adviser representatives.

Section 130.845 is amended to remove Illinois books and records requirements for investment advisers that are in compliance with the applicable books and records requirements of the state in which the investment adviser is registered or licensed and maintains its principle place of business.

Section 130.852 is amended to also apply to the representatives of investment advisers. The Illinois Securities Act has been amended to authorize the registration of investment adviser representatives.

Section 130.853 is amended to also apply to the representatives of investment advisers. The Illinois Securities Act has been amended to authorize the registration of investment adviser representatives.

Section 130.854 is amended to also apply to the representatives of investment advisers. The Illinois Securities Act has been amended to authorize the registration of investment adviser representatives.

Section 130.873 is amended to abandon all pending investment adviser representative applications with the investment adviser application.

16) Information and questions regarding these Amendments shall be directed to:

Linda K. Impson
Illinois Securities Department
Lincoln Tower, Suite 200
520 South Second Street

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Springfield, IL 62704
217/785-4936

The full text of the Adopted Amendments begin on the next page:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER I: SECRETARY OF STATE

PART 130

REGULATIONS UNDER ILLINOIS SECURITIES LAW OF 1953

SUBPART A: RULES OF GENERAL APPLICATION

Section	
130.100	Business Hours of the Securities Department
130.101	Computation of Time
130.110	Payment of Fees
130.120	Place of Filing
130.130	Date of Filing
130.135	Registration of Securities under Section 5 or 7 of the Act Utilizing the SRD
130.140	Requirements as to Proper Form
130.141	Additional Information
130.142	Additional Exhibits (Repealed)
130.143	Information Unknown or Not Reasonably Available
130.144	Requirements as to Paper, Printing, and Language
130.145	Number of Copies--Signatures
130.190	Provisions for Granting of Variance from Rules

SUBPART B: DEFINITIONS

Section	
130.200	Definitions of Terms Used in the Act and the Rules
130.201	Definition of the Term "Investment Contract", as Used in Section 2.1 of the Act
130.202	Definition of the Term "Fractional Undivided Interest", as Used in Section 2.1 of the Act with Reference to Oil and/or Gas Leases, Rights or Royalties
130.205	Definition of the Term "Issuer" as Used in Section 2.2 of the Act as Applied to Fractional Interests in Oil, Gas and Other Mineral Leases, Rights or Royalties
130.210	Definition of Acts Not Constituting a "Sale" or "Offer" as Used in Section 2.5 or 2.5a of the Act
130.211	Definition of Acts Not Constituting an "Offer" of Securities under Section 5, 6, or 7 of the Act
130.212	Definition of Acts Not Constituting an "Offer" Under Section 2.5a of the Act (Testing the Waters)
130.215	Definition of "Commission From an Underwriter or Dealer Not in Excess of the Usual and Customary Distributors' or Sellers' Commissions", as Used in Section 2.6 of the Act for Certain Transactions
130.216	Definition of "Participates" and "Participation", as Used in Section

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

2.6 of the Act in Relation to Certain Transactions
 Definition of "Regularly Engaged in Securities Sales Activities", as Used in Section 2.9 of the Act
 Exclusion of Certain Persons from the Definition of Investment Adviser in Section 2.11 of the Act
 Definition of "Investment Fund Shares", as Used in Section 2.15 of the Act in Relation to Certain Issuers
 Definition of the Phrase "Promissory Note or Draft, Bill of Exchange or Bankers' Acceptance" as Used in Section 3(L) of the Act
 Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.0 of the Act (Repealed)
 Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.0 of the Act (Repealed)
 Definition of the Term "Institutional Investor" under Sections 4C and 4D of the Act
 Definition of the Term "Financial Institution" under Section 4.C and 4B of the Act
 Definition of "Issuer Required to File Reports Pursuant to the Provisions of Section 13 or Section 15(d) of the Federal 1934 Act" with Respect to Certain Foreign Private Issuers and "Reports Required to be Filed at Regular Intervals Pursuant to the Provisions of Section 13 or Section 15(d)" as Used in Section 4.(F)(1) of the Act
 Definition of the Terms "Balance Sheet" and "Income Statement", as Used in Section 4.F of the Act
 Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4.G 4(f) of the Act and "General Advertising or General Solicitation" Under Sections 4.G 4(f), 4.H 4(h), 4.M 4(m) and 4.R 4(r) of the Act
 Definition of the Term "Public" as Used in Section 4(G)(4) of the Act
 Definition of the Terms "Offers for Sale" and "Solicitations of Offers to Buy", as Used in Section 4.L of the Act
 Definition, For Certain Purposes, of the Terms "Commissions, Remuneration or Discounts", as Used in Section 4 and Section 5 of the Act
 Definition of the Term "Maximum Aggregate Price", as Used in Section 5 of the Act
 Definition of Certain Persons Not Considered to Be Dealers Under Section 2.7 of the Act
 Definition of the Term "Branch Office" of a Registered Dealer, as Used in Section 8 of the Act
 Definition of the Term "Branch Office" of a Registered Investment Adviser or a Federal Covered Investment Adviser, as Used in Section

130.220

130.221

130.225

130.233

130.234

130.235

130.241

130.242

130.244

130.245

130.246

130.247

130.248

130.250

130.251

130.270

130.280

130.281

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

8 of the Act

Definition, For Certain Purposes, of the Term "Officers", as Used in Section 2.9 and Section 8.B.(6) of the Act
 Definition, For Certain Purposes, of the Terms "Inequitable", "Tend to Work a Fraud or Deceit", "Inequitable Practice in the Sale of Securities", and "Fraudulent Business Practices", as Used in Section 8 and Section 11 of the Act

130.282

130.285

130.291

SUBPART C: FEDERAL COVERED SECURITIES AND TRANSACTIONS

Section

130.293

130.370

Issuers of Covered Securities Required to File Notifications and Pay Fees and the Refusal to File Notifications or Pay Fees
 Automated Quotation System Deemed to Have Substantially Equivalent Standards for Designation as Required By One or More Exchanges Set Forth in Section 3(G) of the Act (Repealed)

SUBPART D: EXEMPT TRANSACTIONS

Section

130.420

130.436

130.440

130.441

130.442

130.490

130.491

Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act
 Procedures for Applying for Trading Authorization Pursuant to Section 4(F)(2) of the Act
 Procedures for Filing Reports of Sale under Section 4.G 4(g) of the Act
 Calculation of Number of Persons Under Section 4.G or 4.M of the Act
 Report of Sale of Securities pursuant to Section 4.G 4(g) of the Act
 Procedures for Filing Reports of Sale under Section 4.P of the Act
 Report of Sale of Securities Pursuant to Section 4(P) of the Act

SUBPART E: REGISTRATION OF SECURITIES

Section

130.501

130.502

130.503

130.505

130.506

130.507

130.508

130.510

Title of Securities
 Financial Statement Requirements
 Disclaimer of Control
 Formal Requirements as to Consents
 Consents Required in Special Cases
 Application to Dispense with Consent
 Consent to Use of Material Incorporated by Reference
 Procedures for Registration of Securities by Coordination under Section 5.A of the Act

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

130.520	Procedures for Registration of Securities by Qualification under Section 5.B 5-B of the Act
130.525	Procedures for Registration of Securities by Qualification under Section 5.B(7) of the Act, Small Company Offering Registration ("SCOR") on Form U-7
130.530	Renewal of Registration of Securities Under Section 5.E 5-E of the Act
130.531	Computation of Fees
130.532	Registration of Additional Securities Pursuant to Section 5(C)(2) of the Act
130.533	Formal Requirements for Amendments Under Section 5 of the Act
130.534	Powers to Amend or Withdraw Registration Statement
130.535	Signatures of Amendments
130.536	Delaying Amendments
130.538	Withdrawal of Registration Statement, Amendment or Exhibit Filed Under the Federal 1933 Act.
130.540	Procedure with Respect to Abandoning Registration Statements, Applications for Trading Authorizations and Post-Effective Amendments
130.550	Additional Fees Under Section 5 of the Act
130.570	Legibility of Prospectuses
130.571	Presentation of Information in Prospectuses
130.572	Summaries or Outlines of Documents
130.573	Preparation of Application for Registration
130.574	Incorporation of Certain Information by Reference
130.575	Form of and Limitation Upon Incorporation by Reference
130.576	Statement Required in Prospectuses
130.577	Prospectuses Supplementing Preliminary Material Supplied Previously
130.578	Application of Amendments to this Part Governing Contents of Prospectuses
130.581	Statement as to Stabilizing Required in Prospectuses Filed Under Section 5.B of the Act
130.582	Contents of Prospectus When Two or More Registrations Are in Effect Under Section 5.B of the Act
130.590	Identifying Statements
130.591	Requirements as to Appraisals
130.592	Omission of Substantially Identical Documents
130.593	Incorporation of Exhibits by Reference
SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS	
Section	
130.600	Preamble
130.610	Procedures for Registration of Face Amount Certificate Contracts by Coordination under Section 6.A of the Act
130.630	Renewal of Registration of Face Amount Certificate Contracts Under Section 6.F 6-F of the Act
130.650	Additional Fees Under Section 6 of the Act

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

SUBPART G: INVESTMENT FUND SHARES

Section	
130.700	Preamble
130.701	Title of Investment Fund Shares Registered Under Section 5 or 7 of the Act
130.710	Procedures for Registration of Investment Fund Shares by Coordination under Section 7.A of the Act
130.715	Amendatory Statement for the Registration of Additional Class or Classes or the Reporting of a Change in Organization or Operations Pursuant to Section 7(D) of the Act
130.730	Renewal of Registration of Investment Fund Shares Under Section 7(G) of the Act
130.750	Additional Fees Under Section 7 of the Act
130.771	Acts Which "Work or Tend to Work a Fraud or Deceit", in Connection with Offers, Sales or Dispositions of Investment Fund Shares
SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS	
Section	
130.805	Exemptions From Registration as an Investment Adviser Under Section 8.A 8-A of the Act
130.806	Acts Not Requiring a Notification Filing of a Federal Covered Investment Adviser or Registration as an Investment Adviser or Investment Adviser Representative Under Section 8 of the Act
130.810	Procedures for Registration as a Dealer Under Section 8.B of the Act
130.811	Procedures for Perfecting an Investment Adviser Exemption under Section 2.11(6) of the Act (Repealed)
130.820	Procedure for Renewal and Withdrawal from Registration as a Dealer
130.821	Reporting of Dealer Branch Office Location(s) and Required Fees
130.822	Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8.B.(9)(a) of the Act Prior to Registration as a Dealer
130.823	Procedure for Requesting Waiver of Dealer, Salesperson, or Investment Adviser, Investment Adviser Representative, or Principal Examination Requirements
130.824	Financial Statements to be Filed by a Registered Dealer
130.825	Records Required of Dealers and Customer Fees
130.826	Registered Dealer Net Capital Requirement
130.827	Confirmations
130.828	Notice of Materially Adverse Financial Condition Required to Be Filed With the Securities Department By a Registered Dealer
130.829	Investor Protection Requirement of a Dealer Registered Under Section 8 of the Act
130.832	Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8.C(7) 8-C(7) of the Act for Registration as a Salesperson
130.838	Procedures for Federal Covered Investment Adviser Notification

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

130.839 Filing and Fees Under Section 8.C(5) of the Act
Procedures for Registration as an Investment Adviser Representative
Under Section 8.D(5) of the Act

130.840 Procedures for Registration as an Investment Adviser Under Section
 8.D of the Act

130.841 Reporting of Investment Adviser Branch Office Location(s) and
 Required Fees

130.842 Examinations and Education Programs Deemed Satisfactory for Purposes
 of Determining Sufficient Knowledge for Each Principal Under Section
 8.D.(9) 8t8t49t of the Act Prior to Registration as an Investment
 Adviser

130.843 Examination and Education Program Requirements for Registration as
 an Investment Adviser Representative Under Section 8.D-(5) of the
 Act

130.844 Statement of Financial Condition to Be Filed By a Registered
 Investment Adviser Which Retains Custody of Client's Cash or
 Securities or Accepts Pre-Payment of Fees in Excess of \$500.00 Per
 Client and Six (6) or More Months in Advance and Interim Financial
 Statements

130.845 Records Required of Investment Advisers

130.846 Written Disclosure Statements of a Registered Investment Adviser

130.847 Financial and Disciplinary Information That Investment Advisers Must
 Disclose to Clients

130.850 Account Transactions

130.851 Commission, Profit or Other Compensation

130.852 Compensation

130.853 Account Transactions

130.854 Use of the Term "Investment Counsel"

130.860 Additional Fees Under Section 8 of the Act

130.872 Procedure with Respect to Abandoned Dealer Applications

130.873 Procedure with Respect to Abandoned Investment Adviser Applications

SUBPART J: SERVICE OF PROCESS

Section
 130.1001 Service of Process upon the Secretary of State

SUBPART K: PROCEDURES FOR ADMINISTRATIVE HEARINGS

Section
 130.1100 Preamble

130.1101 Qualifications and Duties of the Hearing Officer

130.1102 Notice of Hearing

130.1103 Institution of a Contested Case by the Securities Department

130.1104 Requirement to File an Answer

130.1105 Amendment or Withdrawal of the Notice of Hearing

130.1106 Representation

130.1107 Special Appearance

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

130.1108 Substitution of Parties

130.1109 Failure to Appear

130.1110 Motions

130.1111 Requirements Relating to Continuances

130.1112 Rules of Evidence

130.1113 Form of Papers

130.1114 Bill of Particulars

130.1115 Discovery

130.1116 Examination of Witnesses

130.1117 Subpoenas

130.1118 Pre-Hearing Conferences

130.1119 Record of a Pre-Hearing Conference

130.1120 Hearings

130.1121 Record of Proceedings

130.1122 Record of Hearing

130.1123 Orders

130.1124 Burden of Proof

130.1125 Stipulations

130.1126 Open Hearings

130.1127 Corrections to the Transcript

130.1128 Imposition of Fines

130.1129 Application for Hearing to Present Newly Discovered Evidence

SUBPART O: EVIDENTIARY MATTERS AND NON-BINDING STATEMENTS

Section
 130.1520 Request for Non-Binding Statements

SUBPART P: SAVINGS PROVISIONS

Section
 130.1661 Investors Syndicate of America, Inc.
 130.1662 State Bond and Mortgage Company

SUBPART Q: PUBLIC INFORMATION

Section
 130.1701 Inspection of Applications
 130.1702 Inspection of Dealer, Salesperson and Investment Adviser Records
 130.1703 Non-Public Distribution of Information

AUTHORITY: Implementing and authorized by the Illinois Securities Law of 1953
 [815 ILCS 5].

SOURCE: Filed February 23, 1977, effective March 5, 1977; amended at 5 Ill.
 Reg. 9139, effective August 27, 1981; amended at 6 Ill. Reg. 6455, effective
 May 19, 1982; codified at 6 Ill. Reg. 12674; emergency amendment at 7 Ill. Reg.
 17427, effective December 31, 1983, for a maximum of 150 days; emergency

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

expired May 31, 1984; emergency amendment at 8 Ill. Reg. 1476, effective January 18, 1984, for a maximum of 150 days; emergency expired June 17, 1984; emergency repealer at 8 Ill. Reg. 3803, effective March 14, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13419, effective July 12, 1984; amended at 8 Ill. Reg. 13840, effective July 19, 1984; emergency amendment at 8 Ill. Reg. 13889, effective July 20, 1984, for a maximum of 150 days; emergency expired December 17, 1984; amended at 9 Ill. Reg. 208, effective December 20, 1984; emergency amendment at 10 Ill. Reg. 393, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 10753, effective June 3, 1986; recodified at 10 Ill. Reg. 19554; emergency amendment at 13 Ill. Reg. 11017, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 14 Ill. Reg. 884, effective December 30, 1989; amended at 14 Ill. Reg. 5188, effective March 26, 1990; emergency amendment at 15 Ill. Reg. 14303, effective November 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 6000, effective March 27, 1992; amended at 20 Ill. Reg. 14185, effective October 21, 1996; amended at 21 Ill. Reg. 7523, effective May 23, 1997; amended at 21 Ill. Reg. 7770, effective May 23, 1997; amended at 21 Ill. Reg. 8415, effective June 20, 1997; emergency amendment at 21 Ill. Reg. 9828, effective July 8, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 15892 effective DEC 1 1997.

SUBPART A: RULES OF GENERAL APPLICATION

Section 130.110 Payment of Fees

a) Fees under the Act are as follows:

Section 2a (Federal covered transactions or securities)	
Issuers of securities pursuant to Regulation D, Rule 506 of the Federal Act	\$100
Issuers of shelf offerings	\$500-\$6,000**
Series issuers	\$500-\$3,000**
Issuers of face amount certificate contracts	\$1,000
Issuers of open-end investment fund shares	\$1,000 plus \$100 for each series, class or portfolio
General filing fee for securities not covered above	\$500-\$2,500**
Section 4.D4(b)	

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Filing Fee	\$100
Section 4.F(2)(4)(b)(2) Application Filing Fee	\$1,000
Section 4.G4(b) Report of Sale Filing Fee	\$100-\$25-\$3,000*
Late filing fee	\$200 (\$100 filing fee plus \$100 late fee)
Section 4.P4(b) Offering Sheet Examination Fee	\$300
Report of Sale Filing Fee	\$10-\$100*
Section 5.A5(b) General Filing or Renewal Fee	\$500-\$2,500**
Filing or Renewal Fee for Shelf Offerings	\$500-\$6,000**
Filing or Renewal Fee for Series Issuers	\$500-\$3,000**
Section 5.B5(b) If registered pursuant to the Federal 1933 Act:	
General Examination Fee	\$300
General Filing Fee	\$500-\$2,500**\$17500**
Amendment-Examination-Fee under-the-Federal 1933-Act	\$50-(if-not-filled
Filing or Renewal Fee for Shelf Offerings	\$500-\$6,000**
Filing or Renewal Fee for Series Issuers	\$500-\$3,000**
If not registered pursuant to the Federal 1933 Act:	
SEOR Examination Fee	\$150
SEOR Filing Fee	\$250
SEOR Amendment Examination Fee	\$25
Section 5.C5(c) Additional General-Oversate-Filing Fee	\$500
Oversate-Filing-Fee for-Shelf-Offerings	\$500
Oversate-Filing Fee-for-Series-issuers	\$500

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section 5.B5†B†

Additional fee for renewal of securities 9 business days or less but prior to expiration of registration or renewal \$200

Additional fee after expiration of registration or renewal (not to exceed one year after the date of expiration of the most recent registration or renewal)

1st-30th day \$500
 31st-60th day
 \$1,000
 61st-90th day
 \$1,500
 91st-120th day
 \$2,000
 121st-150th day
 \$2,500
 151st-180th day
 \$3,000
 On or after 181st day \$5,000

Section 5.H5†H†

Additional fee for the failure to file or file timely any required post-registration document

\$50

Additional fee for the failure to file or file timely notice of SEC effectiveness for filings made on the third through tenth business day after SEC effectiveness

Additional fee for the failure to file or file timely notice of SEC effectiveness for filings made after the tenth day after SEC effectiveness

\$100

11th-30th day
 \$200
 31st-60th day
 \$400
 61st-90th day
 \$600
 91st-120th day

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

\$800
 121st-150th day
 \$1,000
 151st-180th day
 \$1,200
 On or after the 181st day \$2,500

Section 6.A6†A†

Filing or Renewal Fee
 Amendment Filing
 Fee for Additional Series, Types or Classes \$1,000

\$100

Section 6.B6†B†

Examination Fee \$300
 Filing or Renewal Fee \$1,000
 Amendment Examination Fee \$50
 Amendment Filing Fee for Additional Series, Types or Classes \$100

\$10

1/30th of 1% of average of quarterly computation of aggregate principal amount of securities on deposit

Section 6.F6†F†

Additional fee for renewal of securities 9 business days or less but prior to expiration of registration or renewal

\$200

Additional fee after expiration of registration or renewal (not to exceed one year after the date of expiration of the most recent registration or renewal)

1st-30th day \$500

31st-60th day
 \$1,000
 61st-90th day
 \$1,500
 91st-120th day
 \$2,000
 121st-150th day
 \$2,500
 151st-180th day

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section 6.16(f)(1)

Additional fee for the failure to file or file timely any required post-registration document

Additional fee for the failure to file or file timely notice of SEC effectiveness for filings made on the third through tenth business day after SEC effectiveness

Additional fee for the failure to file or file timely notice of SEC effectiveness for filings made after the tenth day after SEC effectiveness

\$3,000

On or after the
181st day \$5,000

\$50

\$100

11th-30th day

\$200

31st-60th day

\$400

61st-90th day

\$600

91st-120th day

\$800

121st-150th day

\$1,000

151st-180th day

\$1,200

On or after the

181st day \$2,500

Section 7.17(f)(1)

Filing or Renewal Fee

\$1,000 plus \$100 for each series, class or portfolio

Section 7.17(f)(2)

Examination Fee

Filing or Renewal Fee

\$300
\$1,000, plus \$100 for each series, class or portfolio
\$50

Amendment Examination Fee

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section 7.D7(f)(1)

Amendatory statement

\$100

Section 7.G7(f)(1)

Additional fee for renewal of securities 9 business days or less but prior to expiration of registration or renewal

\$200

Additional fee after expiration of registration or renewal (not to exceed one year after the date of expiration of the most recent registration or renewal)

1st-30th day \$500

31st-60th day

\$1,000

61st-90th day

\$1,500

91st-120th day

\$2,000

121st-150th day

\$2,500

151st-180th day

\$3,000

On or after the

181st day \$5,000

Section 7.J7(f)(1)

Additional fee for the failure to file or file timely any required post-registration document

\$50

Additional fee for the failure to file or file timely notice of SEC effectiveness for filings made on the third through tenth business day after SEC effectiveness

\$100

Additional fee for the failure to file or file timely notice of SEC effectiveness for filings made after the tenth day after SEC effectiveness

11th-30th day

\$200

31st-60th day

\$400

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

61st-90th day
\$600
91st-120th day
\$800
121st-150th day
\$1,000
151st-180th day
\$1,200
On or after the
181st day \$2,500

Section 8

Dealer Filing or Renewal Fee

\$300*** plus \$20 for each
branch office in this State

Dealer fee to report a
change in its form of
organization

\$300

Investment Adviser Filing orRenewal Fee and Federal CoveredInvestment Adviser notificationfiling fee or renewal fee

\$200*** plus \$20 for each
branch office in this State
plus-a-\$10--Securities--Audit
and--Enforcement--Fund--fee--for
each----investment-----adviser
representative-----who---is---not
registered-in-this-state-as--a
salesperson--for--a-registered
dealer--(all-fees-may--be--paid
by-a-single-check)-

Federal Covered InvestmentAdviser fee and InvestmentAdviser fee to report a changein its form of organization

\$200

Investment Adviser-Examination-FeeSalesperson Filing or RenewalFee

\$50
\$75 (\$40 filing or renewal fee
and \$35 Securities Audit Fund
fee; all fees may be paid by a
single check)-

Salesperson Transfer Fee

\$75 (\$40

transfer fee and

\$35 Securities Audit and

Enforcement Fund fee;

all fees may be

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

paid by a single
check)-

Federal Covered Investment Adviser
Representative and Investment
Adviser Representative

\$75

Federal Covered Investment Adviser
Representative and Investment
Adviser Representative transfer
fee

\$75

Section 8.JB(3)

Additional fee for the failure
to file or file timely any
required statement of

financial condition or

financial statement

\$250

Additional fee for the

second and subsequent

failure to file or file

timely any required

statement of financial

condition or financial

statement

\$500

Additional fee for the failure

to file or file timely any

required post-registration

or post-notification

document (other than

statement of financial

condition or financial

statement)

\$50

Additional fee for the second

and subsequent failure to

file or file timely any

required post-registration or

post-notification document

other than statement of

financial condition or

financial statement)

\$250

Section 10

Service of Process

(when served upon

the Secretary)

\$10

Sections 15.B(5)(B) and 15.C(5)(C)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Certificate \$10
 Certified Copy of Document \$10 plus
 Each Page Certified \$.50

Section 15a

Non-binding statement \$75

Duplication of documents
 each page duplicated \$.50

Additional fee for payment
 of fee returned to the
 Securities Department
 due to insufficient funds
 or for a similar reason \$50

* 1/10th of 1% of the aggregate dollar amount reported therein, but not less than the specified minimum nor more than the specified maximum.

** 1/20th of 1% of the maximum aggregate price, as defined in Section 130.251 of this Part, but not less than the specified minimum nor more than the specified maximum.

*** ~~twice the amount indicated if renewal application is filed within 60 days preceding the expiration of the current registration~~

b) All payments of fees, except for payment of administrative fines under Section 11.5 ~~if~~ of the Act as set forth below, shall be made by check, money order, certified check, bank cashier's check, bank money order or indicia of forms of electronic transfer of funds payable to the "Secretary of State". No third party check or money order endorsed over to the Secretary of State ("Secretary") shall be accepted as payment of any fee. All payments for administrative fines under Section 11.5 ~~if~~ of the Act in excess of \$500, except for a person registered under Section 5, 6, 7 or 8 of the Act, shall be made by money order, certified check or bank cashier's check.

c) Any person whose payment of fees is returned to the Securities Department due to insufficient funds or for a similar reason shall pay to the Secretary the amount of fee owed plus an additional fee as set forth in this Section for each payment returned. This fee shall include the fee required by 5 ILCS 290/10.

d) The Secretary shall require any person to make payment of fees in the form of a United States postal money order, certified check, bank cashier's check or bank money order if any previous payment of fees has been returned to the Securities Department due to insufficient funds or for a similar reason.

e) All payment of fees under Sections 47-57-67-7-and-8-of the Act for which a calculation of the fee is required shall be deemed to be filed and the fees paid upon receipt by the Securities Department, provided that the fee paid is within \$5 of the actual amount due.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 21 Ill. Reg. 15892, effective DEC 1 1997)

Section 130.120 Place of Filing

All applications for registration or exemption from registration and other papers filed with the Securities Department or the Secretary pursuant to Section 4, 5, 6, 7, 8, 9, 13 or 15a of the Act shall be filed at Springfield or Chicago, Illinois. Such material may be filed by delivery to the Securities Department, through the mails or otherwise. In addition, such material may be filed electronically or by facsimile with the Securities Department. All other papers filed with the Securities Department or the Secretary pursuant to the Act may be filed at the office of the Securities Department in Springfield or Chicago, Illinois.

(Source: Amended at 21 Ill. Reg. 15892, effective DEC 1 1997)

Section 130.130 Date of Filing

a) Except as otherwise specified in Section 4, 5, 6, 7 or 8 of the Act, the date of filing of any document required to be filed with the Securities Department shall be the date of delivery of the document and any required fee to the Securities Department in Springfield or Chicago, Illinois, as specified in Section 130.120 of this Part, or:

- 1) if transmitted through the United States mail, shall be deemed filed with the Secretary on the date shown by the post office cancellation mark stamped upon the envelope or other wrapper containing the document or fee;
- 2) if mailed but not received by the Secretary, or if received but without a cancellation mark or with the cancellation mark illegible or erroneous, shall be deemed filed with the Secretary on the date it was mailed, but only if the sender establishes by competent evidence that the document or fee was deposited, properly addressed, in the United States mail on or before the date on which it was required or was due. In cases in which the document or fee was mailed but not received, the sender must also submit, or pay to, the Secretary a duplicate document or fee, or both, as the case may be, within 30 days after written notification of nonreceipt of the document or fee is given by the Secretary to the person claiming to have sent the document or fee;
- 3) if a document or fee is sent by United States registered mail, certified mail or certificate of mailing, a record authenticated by the United States Postal Service of such registration, certification or certificate shall be considered competent evidence that the document or fee was mailed on the date shown on the record;

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 4) if transmitted electronically, it shall be deemed filed with the Secretary on the date the information that is inscribed or stored electronically becomes retrievable in perceivable form to the Securities Department.
- b) A document may not be deemed to be filed with the Secretary unless all requirements of the Act with respect to such filing have been complied with and the required fee has been paid.

(Source: Amended at 21 Ill. Reg. 15892, effective DEC 1 1997)

Section 130.142 Additional Exhibits (Repealed)

~~Any person filing a document under Section 47-57-67-7 or 8 of the Act may file such exhibits as he or she may desire in addition to those required by the appropriate form. The exhibits shall be so marked as to indicate clearly the subject matters to which they refer.~~

(Source: Repealed at 21 Ill. Reg. 15892, effective DEC 1 1997)

Section 130.145 Number of Copies--Signatures

- a) One copy of the completed application for registration, manually signed by the applicant, including exhibits and all other papers and documents filed as a part of the application, shall be filed with the Secretary of State.
- b) If any name is signed to the application for registration pursuant to a power of attorney, copies of the power of attorney shall be filed with the application for registration. In addition ~~addition~~, if the name of any officer signing on behalf of the applicant, or attesting the applicant's seal, is signed pursuant to a power of attorney, certified copies of a resolution of the applicant's board of directors authorizing the signature shall also be filed with the application for registration.
- c) Signatures to or within any electronic submission shall be in printed or typed form rather than manual format. A manually signed signature page or other document authenticating, acknowledging or otherwise adopting the signatures that appear in printed or typed form within an electronic filing shall be executed before or at the time the electronic filing is made and shall be retained by the filer for a period of six years from the date of expiration or termination of the registration of the security, salesperson, dealer, investment adviser or investment adviser representative. A signature on a document filed by facsimile is prima facie evidence for all purposes that the document actually was signed by the person whose signature appears on the facsimile.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 21 Ill. Reg. 15892, effective DEC 1 1997)

SUBPART B: DEFINITIONS

Section 130.200 Definitions of Terms Used in the Act and the Rules

- a) As used in the Act and this Part, unless the context otherwise requires, the term:

"Act" means the Illinois Securities Law of 1953 [815 ILCS 5] and this Part.

"Affiliate" of, or a person "affiliated" with, a specified person means a person who, directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

"Amount", when used in regard to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

"Applicant" means the person making application for registration or exemption.

"Certified", when used in regard to financial statements, means examined and reported upon with an opinion expressed by an independent public or certified public accountant.

"CFTC" means the Federal Commodity Futures Trading Commission.

"Charter" includes articles of incorporation, a declaration of trust, articles of association or partnership, or any similar instrument, as amended, affecting (either with or without filing with any governmental agency) the organization or creation of an incorporated or unincorporated person.

"Correspondent" means the person authorized in the application for registration or exemption to receive notices and communications from the Secretary.

"Controlling person" as used in Section 4.F ~~4.F.7~~ of the Act shall not include any sponsor of a unit investment trust after the completion of the initial distribution.

"CRD" means the computer registration system for the registration of dealers and salespersons known as the "Central Registration

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Depository" operated by the NASD.

"Customer" as used in Section 130.270 of this Part means any person for whom the futures commission merchant effects or intends to effect transactions in futures, options on futures, or any other instruments subject to CFTC jurisdiction.

"Director" means any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Employee" does not include a director, trustee, or officer.

"Federal 1933 Act" means the Act of the Congress of the United States known as the Securities Act of 1933 (15 U.S.C. Secs. 77a-77aa), as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions).

"Federal 1934 Act" means the Act of Congress of the United States known as the "Securities Exchange Act of 1934" (15 U.S.C. Secs. 78a-78aa), as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions).

"Federal 1936 Act" means the Act of Congress of the United States known as the Commodity Exchange Act of 1936 (7 U.S.C. Sec. 1 et seq.), as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions).

"Federal 1940 Investment Company Act" means the Act of Congress of the United States known as the Investment Company Act of 1940, (15 U.S.C. Secs. 80a-1-80a-52), as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions).

"Federal 1940 Investment Advisers Act" means the Act of Congress of the United States known as the Investment Advisers Act of 1940 (15 U.S.C. Secs. 80b-1-80b-21), as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions).

"Federal Banking Act of 1933" means the Federal Banking Act of 1933 (12 U.S.C. 227), and the Rules and Regulations thereunder, as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions).

"Federal covered investment adviser representative" means any person with a place of business in this State who is an investment adviser representative of a federal covered investment adviser.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Federal Public Utility Holding Company Act of 1935" means the Public Utility Holding Company Act of 1935 (15 U.S.C. subsection 79-79z-6), and the Rules and Regulations thereunder, as in effect on August 1, 1997 January-17-1996 (no subsequent amendments or editions).

"Fiscal Year" means the annual accounting period or, if no accounting period has been adopted, the calendar year ending on December 31.

"Futures" and "Futures Contracts" as used in Section 130.270 of this Part mean contracts of sale of a commodity for future delivery traded on or subject to the rules of a contract market designated by the CFTC or traded on or subject to the rules of any board of trade located outside the United States, its territories or possessions.

"Futures Commission Merchants" as used in Section 130.270 of this Part means individuals, associations, partnerships, corporations and trusts engaged in soliciting or in accepting orders for the purchase or sale of any commodity for future delivery on or subject to the rules of any contract market and that, in or in connection with such solicitation or acceptance of orders, accepts any money, securities, or property (or extends credit in lieu thereof) to margin, guarantee or secure any trades or contracts that result or may result therefrom.

"Hearing" means a proceeding conducted by the Securities Department in which the rights, privileges, immunities, duties or obligations of any person or party are required by law to be determined by the Secretary only after opportunity for a hearing.

"Hearing Officer" means the designee of the Secretary or the Securities Director who, pursuant to Section 11 of the Act, is designated in the Notice of Hearing to preside at a hearing conducted pursuant to Section 11 of the Act or any person so designated as a substitute hearing officer.

"Identifying Statement" means a written or oral communication or advertisement meeting the requirements of Section 130.210(b)(1) of this Part.

"Insolvency" or "insolvent" means the inability to pay debts and obligations when due or when current liabilities exceed current assets. Any party regulated by this Part claiming insolvency shall file with the Securities Department a balance sheet prepared as of a current date and executed and verified by the chief financial officer of the issuer.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Internal Revenue Code" means the Internal Revenue Code of 1986 (26 U.S.C. 1-9602), and the Rules and Regulations thereunder, as in effect on August 1, 1997 ~~January--17, 1996~~ (no subsequent amendments or editions).

"Majority-Owned Subsidiary" means a subsidiary more than 50% of whose outstanding securities, which represent the right, other than as affected by events of default, to vote for the election of directors, is owned by the subsidiary's parent and/or one or more of the parent's other majority-owned subsidiaries.

"Material", when used to qualify a requirement for the furnishing of information as to any subject, limits the information required to those matters as to which there is a substantial likelihood that a reasonable investor would consider it important in deciding upon a course of action to be taken, including, but without limitation, purchasing, selling or holding the security or securities involved, or accepting or rejecting an offer or proposal made with regard to any security or securities.

"NASD" means the self-regulatory organization registered under the Federal 1934 Act, as defined in this Section, known as the "National Association of Securities Dealers, Inc."

"Nonaccredited Investor" as used in Section 130.420 of this Part means a person who is not a person set forth in Section 4.C, 4.H, 4.R or 4.S of the Act.

"Office", unless otherwise clarified, refers to the Office of the Securities Department of the Secretary of State, and not to any particular address or location.

"Officer" means the president; any vice president in charge of a principal business unit, division or function; the secretary; the treasurer; any principal financial officer, comptroller or principal accounting officer; any other officer performing a principal policy-making function and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Options on Futures" as used in Section 130.270 of this Part means puts or calls on a futures contract traded on or subject to the rules of a contract market designated by the CFTC or traded or subject to the rules of any board of trade located outside the United States, its territories or possessions.

"Pacific Coast Stock Exchange, Inc." means the Pacific Stock Exchange, Inc.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

"Parent" of a specified person means an affiliate controlling such person directly or indirectly through one or more intermediaries.

"Party" means any person named as a petitioner or a respondent in a hearing conducted by the Securities Department.

"Person" means a natural person, a corporation, a partnership, a limited partnership, a limited liability company, a limited liability limited partnership, an association, a joint stock company, a trust or any unincorporated organization except that as used in this Section, the word "trust" includes only a trust where the interest or the interests of the beneficiary or beneficiaries are a security.

"Place of Business" of a federal covered investment adviser representative means a location at which the federal covered investment adviser representative provides investment advisory services, solicits, meets with, or otherwise communicates with clients, and any other location that is held out to the general public as a location at which the investment adviser representative provides investment advisory services, solicits, meets with, or otherwise communicates with clients.

"Predecessor" means a person, the major portion of the business and assets of which another person acquired in a single succession or in a series of related successions in each of which the acquiring person acquired the major portion of the business and assets of the acquired person.

"Preliminary Prospectus" means a document meeting the requirements of Section 130.210(b)(2) of this Part.

"Principal Underwriter" means an underwriter in privity of contract with the issuer of the securities as to which such person is an underwriter.

"Promoter" means

any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes initiative in founding and organizing the business or enterprise of an issuer; or

any person who, in connection with the founding and organizing of the business or enterprise of an issuer, directly or indirectly receives in consideration of services or property, or both, 10% or more of any class of securities

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

of the issuer or 10% or more of the proceeds from the sale of any class of securities of the issuer. However, a person who receives the securities or proceeds either solely as underwriting commissions or solely in consideration of property shall not be deemed a promoter within the meaning of this subsection if the person does not otherwise take part in founding and organizing the enterprise.

"Prospectus" means any prospectus, notice, circular, advertisement, letter or communication, written or by radio, television or other communications medium, which offers any security for sale or confirms the sale of any security; except that a communication sent or given after the effective date of the registration of the security (other than a prospectus permitted under Section 10(b) of the Federal 1933 Act, as defined in this Section) shall not be deemed a prospectus if it is proved that, prior to or at the same time as the communication, a written prospectus, meeting the requirements of Section 10(a) of the Federal 1933 Act, as defined in this Section at the time of the communication, was sent or given to the person to whom the communication was made, and a notice, circular, advertisement, letter or communication in respect to a security shall not be deemed to be a prospectus if it states from whom a writer prospectus meeting the requirements of Section 5 of the Act may be obtained and, in addition, does no more than identify the security, state the price thereof, state by whom orders will be executed, and contain such other information as the Secretary by the Sections in this Part deems necessary or appropriate in the public interest and for the protection of investors and, subject to such terms and conditions as may be described therein, may permit.

"Regulated Account" as used in Section 130.270 of this Part means a customer segregation account subject to 17 CFR Part--Sec. 1.20 as in effect on August 1, 1997 January--17--1996 (no subsequent amendments or editions); provided, however, that, where such regulations do not permit to be maintained in such an account or require to be maintained in a separate regulated account funds or securities in proprietary accounts or funds or securities used as margin for or excess funds related to futures contracts, options on futures or any other instruments subject to CFTC jurisdiction that trade outside the United States, its territories or possessions, the term "regulated account" means such separate regulated account or any other account subject to 17 CFR Part--Sec. 1.31 et seq. as in effect on August 1, 1997 January--17--1996 (no subsequent amendments or editions).

"Registrant" means the issuer of the securities which are the

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

subject of the application for registration.

"Rules" refers to all rules adopted by the Secretary pursuant to the Act.

"Share" means a share of stock in a corporation or unit of interest in an unincorporated person.

"SEC" means the United States Securities and Exchange Commission.

"Secretary of State" "or Secretary" means the Secretary of State of Illinois.

"Section" refers to a section of this Part unless a reference to the Act is specifically made.

"Securities Department" means the Securities Department of the Office of the Secretary of State.

"Securities Protection Act of 1970" means the Securities Investor Protection Act of 1970 (15 U.S.C. Sec. 78aaa et seq. as in effect on August 1, 1997 January--17--1996 (no subsequent amendments or editions)).

"Segregated Customer Funds" as used in Section 130.270 of this Part means funds subject to 17 CFR Part I Sec. 1.20 as in effect on August 1, 1997 January--17--1996 (no subsequent amendments or editions).

"SRD" means the automated computer registration system for the registration and renewal of registration of securities, investment fund shares and unit investment trusts registered under the Federal 1933 Act and Federal 1940 Investment Company Act known as the Securities Registration Depository.

"Significant Subsidiary" means a subsidiary where:

the assets of the subsidiary, or the investments in and advances to the subsidiary by its parent and the parent's other subsidiaries, if any, exceed 15% of the assets of the parent and its subsidiaries on a consolidated basis; or

the sales and operating revenues of the subsidiary exceed 15% of the sales and operating revenues of its parent and the parent's subsidiaries on a consolidated basis.

In determining whether a subsidiary is a significant subsidiary, such a subsidiary shall be considered in the aggregate with any

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

subsidiaries of which it is the parent.

"State Bond and Mortgage Company" means the company currently known as SBM Certificate Company or any successor company.

"Subsidiary" of a specified person is an affiliate controlled by such person directly or indirectly through one or more intermediaries. (See also "Majority-Owned Subsidiary", "Significant Subsidiary" and "Totally-Held Subsidiary".)

"Succession" means the direct acquisition of the assets comprising a going business, whether by merger, consolidation, purchase, or other direct transfer. The term does not include the acquisition of control of a business unless followed by the direct acquisition of its assets. The terms "succeed" and "successor" have the same meaning as "succession".

"Totally-Held Subsidiary" means a subsidiary substantially all of whose outstanding securities are owned by its parent and/or the parent's other totally-held subsidiaries, and which is not indebted to any person other than its parent and/or the parent's other totally-held subsidiaries in an amount which is material in relation to the particular subsidiary, excepting indebtedness incurred in the ordinary course of business which is not overdue and which matures within one year from the date of its creation, whether evidenced by securities or not.

"Unit Investment Trust" means an investment company which:

is organized under a trust indenture, agency or custodianship contract or similar instrument, does not have a board of directors; and

issues only redeemable securities, each of which represents an undivided interest in a unit of specified securities.

The term "unit investment trust" does not include a voting trust.

"Unsolicited Transaction" as used in Section 130.270 of this Part means a transaction that is not effected in a discretionary account or recommended to a customer by the futures commission merchant, an associated person of a futures commission merchant, a business affiliate that is controlled by, controlling, or under common control with the futures commission merchant, or an introducing broker that is guaranteed by the futures commission merchant.

b) A Section in this Part which defines a term without express reference

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

to the Act or to this Part or to a portion thereof or hereof defines such term for all purposes as used both in the Act and in this Part. Terms defined in the Act and not defined in this Part have the meanings given them in the Act.

(Source: Amended at 21 Ill. Reg. 15892, effective DEC 1994)

Section 130.211 Definition of Acts Not Constituting an "Offer" of Securities under Section 5, 6, or 7 or 8 of the Act:

- a) Notwithstanding any other provision of the Act or this Part, the transmitting or sending of any announcement, offering circular, prospectus or other communication via the nonproprietary, public computer network (commonly known as the "Internet") shall not constitute an offer of securities under Section 5, 6 or 7 of the Act; provided that the communication indicates, directly or indirectly, that the securities are not being offered to the residents of this State, and an offer is not otherwise specifically directed to any person in this State by or on behalf of the issuer of the securities.
- b) No sale of securities shall be made in this State until the securities have been registered under Section 5, 6 or 7 of the Act and a prospectus, offering circular or Form U-7 in its most current form has been delivered to each offeree prior to the sale, or the securities are exempt from registration under Section 3 of the Act or sold in transactional exemptions set forth under Section 4 of the Act (except subsection G, H or R of Section 4 of the Act, or subsection M of Section 4 of the Act if any commission or other remuneration is paid or given, directly or indirectly, on account of the sale or sales or issuance of the securities).
- c) Notwithstanding any other provision of the Act or this Part, salespersons or dealers who transmit or distribute information on available products and services via the Internet shall not constitute an offer of securities for purposes of Section 8 of the Act provided that:
 - 1) The communication contains a legend clearly stating that the salesperson or dealer may only transact business in those states where he, she or it is registered or otherwise excluded or exempted from State registration;
 - 2) The sender of the communication has taken reasonable measures to insure that any subsequent interaction between prospective customers or clients residing in states where the salesperson or dealer is not registered is limited so as to not otherwise require State salesperson, dealer or securities registration;
 - 3) The communication does not involve the actual effecting of securities transactions or trades for compensation over the Internet but is limited to the dissemination of information on products or services; and

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

4) In the case of a salesperson, the affiliation with a dealer is prominently disclosed within the communication; the dealer retains the responsibility of reviewing and approving the content of the Internet communication; the dealer has authorized the distribution or dissemination of information on products and services via the Internet communication; and the salesperson is acting within the scope of his or her authority in distributing or disseminating the Internet communication.

(Source: Amended at 21 Ill. Reg. 15892, effective DEC 1 1997)

Section 130.234 Definition, For Certain Purposes, of the Terms "Employee Security-Purchase Plan", "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.N and Section 3.O of the Act (Repealed)

- a) The terms "Employee-Security-Purchase-Plan", "Employee-Profit-Sharing Trust or Plan", "Employee-Pension-Trust or Plan" shall not include any offering of securities to employees unless, prior to or concurrent with the offering, a written document setting forth the provisions and details of the employee security purchase plan or employee profit-sharing trust or plan or employee pension trust or plan is disseminated to all employees to whom such securities are offered. The terms "Employee-Profit-Sharing Trust or Plan" or "Employee-Pension Trust or Plan" shall not include any plan wherein the purchaser gives or pays consideration other than his or her employment unless shown by the particular facts.

(Source: Repealed at 21 Ill. Reg. 15892, effective DEC 1 1997)

Section 130.235 Definition, For Certain Purposes, of the Terms "Employee Profit-Sharing Trust or Plan", "Employee Pension Trust or Plan", as Used in Section 3.O of the Act (Repealed)

The terms "Employee-Profit-Sharing-Trusts or Plans" and "Employee-Pension Trusts or Plans" shall mean those employee profit-sharing trusts or employee pension trusts or plans which provide for contribution by employees and which are exempt from registration under Section 3(a)(2) of the Federal 1933 Act or are pension or profit-sharing plans which meet the requirements for qualification under Section 401(a) of the Internal Revenue Code.

(Source: Repealed at 21 Ill. Reg. 15892, effective DEC 1 1997)

Section 130.242 Definition of the Term "Financial Institution" under Section 4.C and 4.B of the Act

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

The term "financial institution" shall include, but not be limited to, a manager of investment accounts on behalf of other than natural persons, who, with affiliates, exercises sole investment discretion with respect to such accounts, and provided such accounts exceed 10 in number and have a fair market value of not less than \$10,000,000 at the end of the calendar month preceding the month during which the transaction occurred for which the exemption is utilized.

(Source: Amended at 21 Ill. Reg. 15892, effective DEC 1 1997)

Section 130.246 Definition of the Terms "Residents of this State", "Aggregate Sales Price" and "Sales Made in Reliance Upon the Exemption" Under Section 4.G 4(f) of the Act and "General Advertising or General Solicitation" Under Sections 4.G, 4.H, 4.M and 4.R 4(G), 4(H), 4(I) and 4(R) of the Act

- a) The term "sales made in reliance upon the exemption" as used in Section 4.G(4) 4(f) of the Act with respect to the Report of Sale required to be filed under that Section shall include only those sales made to residents of this State in reliance on the exemption.
- b) The term "residents of this State" shall mean persons having their principal place of residence or domicile in this State.
- c) The term "aggregate sales price" shall mean the sum of all cash, services, property, notes, cancellation of debt, or other consideration received by an issuer for issuance of its securities. Where securities are being offered for both cash and non-cash consideration, the aggregate sales price shall be based on the price at which the securities are offered for cash. If securities are not offered for cash, the aggregate offering price shall be based on the value of the consideration as established by bona fide sales of that consideration made within a reasonable time, or in the absence of sales, on the fair value as determined by an accepted standard.
- d) The terms "general advertising" or "general solicitation" shall include but not be limited to:
- 1) any advertisement, article, notice or other communication published in any newspaper, magazine, or similar media or broadcast over television or radio or any seminar or meeting where attendees have been invited by any of the foregoing;
 - 2) any indiscriminate contact by mail, telephone, or similar communicative process, unless otherwise shown by the particular facts.

- e) For purposes of Section 4.H and 4.R of the Act, the terms "general advertising" or "general solicitation" shall not include the transmitting or sending of any announcement, offering circular, prospectus or other communication that is delivered through an electronic database that is restricted to persons to whom an offer, sale or issuance of a security would be exempt pursuant to Section 4.H or 4.R of the Act.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 21 Ill. Reg. 15928, effective 1-1-99)

Section 130.280 Definition of the Term "Branch Office" of a Registered Dealer, as Used in Section 8 of the Act

- a) "Branch office" as used in Section 8 of the Act shall mean any office, residence or other place or location in this State where the business of a registered dealer or registered investment adviser is being conducted and which is in the case of a registered dealer is owned or controlled by, or operated directly or indirectly for the benefit of, the registered dealer, and where the business of a dealer is conducted by a principal, salesperson or salespersons for such registered dealer, or
- 2) in the case of a registered investment adviser, is owned or controlled by, or operated directly or indirectly for the benefit of, the registered investment adviser, and where the business of an investment adviser is conducted by a principal, salesperson or salespersons for such registered investment adviser.
- b) The principal office located in this State of the registered dealer or registered investment adviser, if any, shall not be considered a branch office.
- c) Except as otherwise provided in subsection (b) of this Section, for purposes of this Section, each office, residence or other place or location where business is being conducted in this State on behalf of a registered dealer and registered investment adviser shall be considered a branch office for the registered dealer and the registered investment adviser.

(Source: Amended at 21 Ill. Reg. 15928, effective 1-1-99)

Section 130.281 Definition of the Term "Branch Office" of a Registered Investment Adviser or a Federal Covered Investment Adviser, as Used in Section 8 of the Act

- a) "Branch office" as used in Section 8 of the Act shall mean any office, residence or other place or location in this State where the registered investment adviser or the federal covered investment adviser or their investment adviser representatives provide investment advisory services, solicit, meet with, or otherwise communicate with clients, or any other location that is held out to the general public as a location at which the registered investment adviser or the federal covered investment adviser or their investment adviser representatives provide investment advisory services, solicit, meet with, or otherwise communicate with clients.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- b) The principal office located in this State of the registered investment adviser or the federal covered investment adviser, if any, shall not be considered a branch office.

(Source: Added at 21 Ill. Reg. 15929, effective 1-1-99)

SUBPART D: EXEMPT TRANSACTIONS

Section 130.420 Uniform Limited Offering Exemption Pursuant to Section 4.D of the Act

- a) Any offer or sale of securities offered or sold in compliance with the Federal 1933 Act, Regulation D, Rules 230.501-230.503 and 230.505-230.506 (17 CFR 230.501-230.503 and 230.505-230.506) and which satisfies the following further conditions and limitations:

1) No exemption under this Section shall be available for the securities of any issuer if any of the parties described in the Federal 1933 Act, Regulation A, Rule 230.262 Sections (a), (b) and (c) (17 CFR 230.262(a), (b) and (c)) as in effect on August 1, 1997 July 1, 1996 (no subsequent amendments or editions):

A) has filed a registration statement which is subject to a currently effective registration stop order entered pursuant to any state's securities law or the SEC within five years prior to the filing of the notice required under this exemption;

B) has been convicted within five years prior to the filing of the notice required under this exemption of any felony or misdemeanor in connection with the offer, purchase or sale of any security or any felony involving fraud or deceit, including but not limited to forgery, embezzlement, obtaining money under false pretenses, larceny or conspiracy to defraud;

C) is currently subject to SEC or any state administrative enforcement order or judgment entered by that state's securities administrator or the SEC within five years prior to the filing of the notice required under this exemption or is subject to SEC or any state's administrative enforcement order or judgment in which fraud or deceit, including but not limited to making untrue statements of material facts and omitting to state material facts, was found and the order or judgment was entered within five years prior to the filing of the notice required under this exemption;

D) is subject to SEC or any state's administrative enforcement order or judgment which prohibits, denies or revokes the use of any exemption from registration in connection with the offer, purchase or sale of securities;

E) is currently subject to any order, judgment, or decree of

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

any court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to any order, judgment or decree of any court of competent jurisdiction permanently restraining or enjoining, such party from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any false filing with the state entered within five years prior to the filing of the notice required under this exemption;

- 2) the prohibitions of subsections (a)(1)(A)-(C) and (E) of this Section shall not apply if the person subject to the disqualification is duly licensed or registered to conduct securities related business in the state in which the administrative order or judgment was entered against such person or if the dealer employing such party is licensed or registered in this State and the Form BD filed with the Securities Department discloses the order, conviction, judgment or decree relating to such person; no person disqualified under this subsection (a)(2) may act in a capacity other than that for which the person is licensed or registered; and
- 3) any disqualification caused by this Section is automatically waived if the SEC or state securities administrator or agency of the state which created the basis for disqualification determines upon a showing of good cause that it is not necessary under the circumstances that the exemption be denied. It is a defense to a violation of this subsection (a) if the issuer sustains the burden of proof to establish that such person did not know and in the exercise of reasonable care could not have known that a disqualification under this subsection (a) existed.

- b) The issuer shall file with the Securities Department a notice on Form D (17 CFR 239.500):

- 1) the notice shall be filed no later than 15 days after the receipt of consideration or the delivery of a subscription agreement by an investor in this State which results from an offer being made in reliance upon this exemption and at such other times and in the form required under Regulation D, Rule 230.503 to be filed with the SEC;
 - 2) the notice shall contain an undertaking by the issuer to furnish to the Securities Department, upon written request, the information furnished by the issuer to offerees who are offered or sold a security which is not exempt under any provision of Section 3 of the Act or who are offered or sold a security in a transaction which is not exempt under any provision of Section 4 of the Act;
 - 3) every person filing the initial notice provided for in subsection (b)(1) of this Section shall pay the filing fee pursuant to Section 130.110 of this Part.
- c) In all sales to nonaccredited investors in this State, the issuer and

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

any person acting on its behalf shall have reasonable grounds to believe, and after making reasonable inquiry shall believe, that one of the following conditions is satisfied:

- 1) the investment is suitable for the purchaser upon the basis of the facts, if any, disclosed by the purchaser as to his or her other security holdings and as to his or her financial situation and needs; for the purpose of this condition only, it may be presumed that if the investment does not exceed 10% of the investor's net worth, it is suitable; and
- 2) the purchaser, either alone or with his or her purchaser representative(s), has such knowledge and experience in financial and business matters that he or she is, or they are, capable of evaluating the merits and risk of the prospective investment.
- d) A failure to comply with a term, condition or requirement of this exemption will not result in loss of the exemption from the requirements of Section 4.D of the Act for any offer or sale to a particular individual or entity, if the person relying on the exemption shows:
 - 1) the failure to comply did not pertain to a term, condition or requirement directly intended to protect that particular individual or entity; or
 - 2) the failure to comply was insignificant with respect to the offering as a whole; or
 - 3) a good faith and reasonable attempt was made to comply with all applicable terms, conditions and requirements of the exemption.
- e) The exemption authorized by this Section shall be known and may be cited as the "Uniform Limited Offering Exemption."

(Source: Amended at 21 Ill. Reg. 15930 effective 1-1-93)

Section 130.440 Procedures for Filing Reports of Sale under Section 4.G 4(f) of the Act

- a) The issuer, controlling person, or dealer shall file with the Springfield or Chicago office of the Securities Department one copy of the Report of Sale on Illinois Form 4G or Form D executed manually signed by a person duly designated by the filing party, accompanied by the filing fee referred to below, if no later than 3 months after the first sale of securities made to an Illinois resident in reliance upon Section 4(f) of the Act, and 2) thereafter until all such sales have been concluded, every 3 months after the date of the first sale of securities made to an Illinois resident in reliance upon Section 4(f) of the Act; subsequent to the date upon which the most recent Report of Sale was required to be filed with the Securities Department, on or after the date of the first sale made to an Illinois resident in reliance upon Section 4.G of the Act, but no later than twelve months after the date of the first such sale.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

b) The filing fee for each Report of Sale required under Section 4.G 4(6) of the Act shall be in the amount 1/10th of 1% of the aggregate dollar amount reported therein, but not less than the minimum nor more than the maximum fee specified in Section 130.110. The Report of Sale shall not be deemed to be filed until the proper filing fee therefor is delivered to the Securities Department.

c) The Securities Department will review a Report of Sale submitted under Section 4.G 4(6) of the Act and notify the filing party of any deficiencies. A Report of Sale shall not be deemed to be filed unless the information required by Section 130.442 of this Part is included therein without any material deficiency.

d) By filing a Report of Sale, the filing party attests that the sales covered by the Report of Sale have not and will not be made by means of general advertising or general solicitation in this State; the sales of such securities have not and will not be made, commissions, discounts or other remuneration have not and will not be paid, and prospectuses have not and will not be delivered, in each case in excess of those permitted by Section 4.G of the Act; and the filing party will provide a copy of the prospectus, offering circular or other disclosure document, as the case may be, or the name and address of each Illinois purchaser to the Securities Department within 72 hours after written request (which may be made by electronic facsimile or other similar transmission or delivery).

e) ~~The Securities Department shall impose a penalty for failure to file any Report of Sale required under Section 4(6) of the Act in a timely manner.~~ The penalty for the first failure to file timely shall be in the amount specified in Section 130.110 of this Part. ~~an amount equal to the filing fee for that Report of Sale. The penalty for any subsequent failure to file timely shall be an amount equal to five times the filing fee for that Report of Sale.~~ 15000

(Source: Amended at 21 Ill. Reg. 15000, effective

1/1/00)

Section 130.442 Report of Sale of Securities pursuant to Section 4.G 4(6) of the Act

The Report of Sale of securities sold in this State in reliance upon Section 4.G 4(6) of the Act shall contain, without limitation, the following but not be limited to:

- the name, business address and telephone number of the issuer, and as applicable, of the controlling person and dealer;
- a description of the securities sold to residents of this State; and
- the date of the initial sale of securities to residents of this State for this reporting period; the total amount of the securities sold to residents of this State in reliance upon Section 4(6) of the Act for the period covered by the Report of Sale and to the date of the Report of Sale.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- d) ~~for the sales covered by the Report of Sale, the names and addresses of the purchasers who report to the issuer that they are residents of this State and the dates on which the sales were made, a representation that the sales covered by the Report of Sale were not made by means of general advertising or general solicitation in this State, and~~
- f) ~~a representation that sales of such securities were not made, commissions were not paid and prospectuses were not delivered in each case in excess of those permitted by Section 4(6) of the Act.~~

(Source: Amended at 21 Ill. Reg. 15000, effective

1/1/00)

SUBPART E: REGISTRATION OF SECURITIES

Section 130.520 Procedures for Registration of Securities by Qualification under Section 5.B of the Act

a) Application for registration of securities pursuant to Section 5.B of the Act shall be made

- by filing the following documents with the Securities Department in Springfield or Chicago, Illinois in the form required by Section 5.B of the Act:

- A completed Application to Register Securities on Form U-1, executed by the applicant, if a natural person; or by a general partner, if the applicant be a partnership only; or by an officer of the applicant, if a corporation; or in other cases by an authorized agent of the applicant, setting forth the name and address of the issuer, the title and total amount of the securities to be offered, the amount of the securities to be registered in this State pursuant to the Application, the proposed maximum aggregate price for the securities being registered as defined in Section 130.251 of this Part, and the aggregate underwriting commissions, remuneration or discount;
- A copy of the prospectus for the securities being registered conforming to the requirements of Section 5.B(3) or 5.B(4) of the Act, as applicable;

- A consent to service of process executed by the issuer or controlling person conforming to the requirements of Section 10 of the Act, provided that such consent need not be filed if

- the applicant is a registered dealer and the securities are being offered and sold in this State by one or more registered dealers as principal and not as agent; or
- the issuer or controlling person is a corporation organized or authorized to transact business under the

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

laws-of-this-State:

B) If the issuer is--a--corporation--a--copy--of--its--current charter--or--articles--of--incorporation--unless--then--on--file with--the--Secretary--of--State--if--other--than--a--corporation--a copy--of--all--instruments--if--any--by--which--the--issuer--was created--as--amended--through--the--date--of--filing;

B) A copy of the current by-laws, or other code of regulations, if any, of the issuer;

C) A copy of the indenture or other instrument if any, under which the securities are to be or have been issued, as amended through the date of filing;

D) A specimen copy of the securities or a copy of the form of the instrument, if any, to evidence the securities;

E) An opinion of counsel as to the legality of the securities;

F) A copy of the underwriting and selling agreements, if any;

G) An undertaking to file promptly with the Secretary of State any and all amendments of and supplements to the prospectus as theretofore filed under Section 5.B of the Act, accompanied by the examination fee specified in Section 130.110; and

H) The name of at least one registered dealer for the securities being registered under Section 5.B of the Act, or if no registered dealer is participating in the offering, a description of the method by which the securities being registered will be offered and sold in Illinois in compliance with Section 8 of the Act; and

2) by paying to the Securities Department in Springfield or Chicago, Illinois the examination fee and filing registration fee required by Sections 5.B(2)(g) and 5.C(1), respectively, of the Act in the form and amount required by Section 130.110.

b) The completed Application to Register Securities on Form U-1 shall constitute the application called for in Section 5.B(1) of the Act.

c) The Secretary of State shall within a reasonable time examine the application and documents filed with him or her, and unless:

1) the Secretary of State makes a determination that the application and documents so filed do not conform to the requirements of Section 5.B of the Act, or

2) the application for registration is then the subject of pending proceedings under Section 11.F of the Act or of an order of suspension, denial or prohibition under Section 11 of the Act, he or she shall register the securities for offer and sale in this State under Section 5.B of the Act.

d) The applicant shall notify the Securities Department in Springfield, in writing (which may be by telegraphic, electronic or facsimile transmission), prior to the time at which the registration under Section 5.B of the Act shall take effect, of the actual offering price(s) for the securities being registered and, if the offering is filed under Regulation A of the Federal 1933 Act, a copy of the

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

notification of SEC clearance within two business after the date of the issuance of such clearance.

(Source: Amended at 21 Ill. Reg. 10000, effective DEC 1 1997)

Section 130.530 Renewal of Registration of Securities Under Section 5.E 54B) of the Act

a) An issuer, controlling person or registered dealer shall file an application for renewal of registration of part or all of the securities which remain unsold by filing with the Securities Department, no later than ten business seven-77 days prior to the date upon which the registration under Section 5.A 54A) of the Act or renewal under Section 5.E 54B) of the Act would expire, on Form U-1 executed by an officer of the issuer, controlling person or registered dealer and paying the fee set forth in Section 130.110 of this Part. Such application shall be accompanied by a copy of the prospectus in its most current form.

b) Any application for renewal of registration of securities filed with or fee paid to the Securities Department within nine business six-66) days or less prior to the date upon which the registration or renewal would expire shall pay an additional fee set forth in Section 130.110 of this Part.

c) Any application for renewal of registration of securities filed with or fee paid to the Securities Department on or after the date upon which the registration has expired shall pay an additional fee set forth in Section 130.110 of this Part until the application is filed and the renewal fee and all such additional fees are paid.

d) The renewal of the registration under subsection (a), (b) or (c) of this Section shall take effect as of the date that the prior registration or renewal expired.

e) No application for renewal of registration of securities shall be deemed to be filed or take effect if the application, renewal fee or additional fee shall have been filed with or paid to the Securities Department more than one year after the most recent expiration of the registration or renewal of the registration.

f) Prior to the renewal of any registration or renewal, the issuer, controlling person or registered dealer shall have filed with the Securities Department the name of at least one registered dealer which will be offering or selling the securities or have filed an application for registration on Form U-4 or renewal on Form 8.C(1) for at least one salesperson that the Securities Department will grant registration of or renewal of registration of concurrently with the renewal of the registration of the securities and paid to the Securities Department the fee and the additional fee, if any, set forth in Section 130.110 of this Part.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 21 Ill. Reg. 15888, effective 12/1/99)

SUBPART F: FACE AMOUNT CERTIFICATE CONTRACTS

Section 130.630 Renewal of Registration of Face Amount Certificate Contracts Under Section 6.F 64 of the Act

- a) An issuer, controlling person or registered dealer shall file an application for renewal of registration of part or all of the face amount certificate contracts which remain unsold by filing with the Securities Department no later than ten business seven days prior to the date upon which the registration under Section 6.A 64 of the Act or renewal under Section 6.F 64 of the Act would expire on Form U-1 executed by an officer of the issuer, controlling person or registered dealer and paying the fee set forth in Section 130.110 of this Part. Such application shall be accompanied by one copy of the prospectus in its most current form.
- b) Any application for renewal of registration of face amount certificate contracts filed with or fee paid to the Securities Department within nine business 30 days or less but prior to the date upon which the registration or renewal would expire shall pay an additional fee set forth in Section 130.110 of this Part.
- c) Any application for renewal of face amount certificate contracts filed with or fee paid to the Securities Department on or after the date upon which the registration would expire shall pay an additional fee set forth in Section 130.110 of this Part until the application is filed and the renewal fee and all such additional fees are paid.
- d) The renewal of the registration under subsection (a), (b) or (c) of this Section shall take effect on the date that the prior registration or renewal expired.
- e) No application for renewal of face amount certificate contracts shall be deemed to be filed or take effect if the application, renewal fee or additional fee shall have been filed with or paid to the Securities Department more than one year after the most recent expiration of the registration or renewal of the registration.
- f) Prior to the renewal of any registration or renewal, the issuer, controlling person or registered dealer shall have filed with the Securities Department the name of at least one registered dealer which will be offering or selling the face amount certificate contracts or have filed an application for registration on Form U-4 or renewal on Form 8C(1) for at least one salesperson that the Securities Department will grant registration of or renewal of registration concurrently with the renewal of the registration or renewal of the face amount certificate contracts and paid to the Securities Department the fee and additional fee, if any, set forth in Section 130.110 of this Part.

(Source: Amended at 21 Ill. Reg. 15888, effective 12/1/99)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 21 Ill. Reg. 15888)

SUBPART H: REGISTRATION OF DEALERS, SALESPERSONS AND INVESTMENT ADVISERS

Section 130.805 Exemptions From Registration as an Investment Adviser Under Section 8.A 84 of the Act

The Secretary pursuant to Section 8.A 84 of the Act hereby exempts from registration as an investment adviser:

- a) any investment adviser whose only clients in this State are any one or more of the following, whether acting on their own behalf or in some fiduciary capacity:
 - 1) investment companies as defined in the Federal 1940 Investment Company Act, as defined in Section 130.200 of this Part;
 - 2) employee pension or profit-sharing plans or trusts having total assets of not less than five million dollars \$5,000,000; and
 - 3) governments and governmental agencies or instrumentalities, and whether acting for itself or as a trustee with investment control; or
 - 4) banks, savings banks, savings institutions, trust companies, insurance companies, building and loan associations and other financial institutions or institutional investors, and any other persons to whom an offer, sale or issuance of a security would be exempt pursuant to Section 4.C 44, 4.D 44 or 4.H 44 of the Act, provided that such persons maintain a net worth of not less than one million dollars \$1,000,000; and
- b) any investment adviser or federal covered investment adviser who during the immediately preceding twelve (12) consecutive months did not generally advise or generally solicit clients in this State--as described in Section 130.246(d) of this Part--and has not had more than five (5) clients in this State in addition to clients of the types specified in subsection (a) of this Section, whether or not such investment adviser or federal covered investment adviser is then present in this State.

(Source: Amended at 21 Ill. Reg. 15888, effective 12/1/99)

Section 130.806 Acts Not Requiring a Notification Filing of a Federal Covered Investment Adviser or Registration as an Investment Adviser or Investment Adviser Representative Under Section 8 of the Act

Notwithstanding any other provision of the Act or this Part, an investment adviser or a federal covered investment adviser who transmits or distributes information on available products and services via the nonproprietary, public computer network (commonly known as the "Internet") shall not be deemed to be acting as an investment adviser, a federal covered investment adviser or an investment adviser representative in this State for purposes of Section 8 of

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

the Act provided that:

- a) The communication contains a legend clearly stating that the investment adviser, the federal covered investment adviser or investment adviser representative may only transact business in those states where he, she or it is registered or otherwise excluded or exempted from state registration;
- b) The sender of the communication has taken reasonable measures to insure that any subsequent interaction between prospective customers or clients residing in states where the investment adviser, the federal covered investment adviser or investment adviser representative is not registered or is not subject to notification filing is limited so as to not otherwise require state investment adviser or investment adviser representative registration or notification filing;
- c) The communication does not involve the actual effecting of securities transactions or trades or the rendering of investment advice for compensation over the Internet but is limited to the dissemination of information on products or services; and
- d) In the case of an investment adviser representative or a federal covered investment adviser representative, the affiliation with an investment adviser or federal covered investment adviser is prominently disclosed within the communication; the investment adviser or federal covered investment adviser retains the responsibility of reviewing and approving the content of the Internet communication; the investment adviser or federal covered investment adviser has authorized the distribution or dissemination of information on products and services via the Internet communication; and the investment adviser representative or federal covered investment adviser representative is acting within the scope of his, her or its authority in distributing or disseminating the Internet communication.

(Source: Added at 21 Ill. Reg. 15802, effective 1/1/00)

Section 130.810 Procedures for Registration as a Dealer Under Section 8.B of the Act

No person shall be registered as a dealer unless satisfactory evidence shall have been furnished to the Secretary of the trustworthiness of the applicant and the applicant's officers, directors, partners, principal members or trustees. No person shall be registered as a dealer until that person shall have given evidence of competency to engage in the business of dealing in, buying or selling securities. Every person or officer who sells securities in this State shall be deemed to be a salesperson and must be registered as such in accordance with Section 8.B of the Act.

- a) Each applicant for registration as a dealer shall deliver to the NASD Form BD as provided in Appendix C or, if already on file with the NASD, the requisite amendment which indicates that an application is

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

on file in this State and pay to the NASD the registration fee specified in Section 130.110 of this Part.

- b) Each applicant for registration as a dealer shall file with the Securities Department a complete and current application and pay to the Securities Department the branch office fee, if any, specified in Section 130.110 of this Part. The application shall consist of the following:

- 1) ~~Form-BB-together-with~~ Schedule E of Form BD thereto listing each branch office in this State, if any;
 - 2) An unaudited balance sheet for the applicant verified by the chief financial officer of the dealer or other person who holds a similar position as of a date not more than 60 days prior to the date that the application is deemed to be filed with the Securities Department and applicable computations which demonstrate compliance with Section 130.826 of this Part as of the date of the balance sheet; ~~7-together-with-the-most-recent statement-of--financial--condition--income--statement--or--other financial--statement--of--the--dealer--certified-by-an-independent certified-public-accountant--if-any;~~
 - 3) One copy of the Illinois Form designating each principal of the dealer;
 - 4) ~~One-copy-of-the-illinois-Form-designating-the-dealer's-accountant and-the-dealer's-annual-audit-date;~~
 - 4.5) One copy of the Illinois Form setting forth the dealer's minimum net capital requirement;
 - 6) ~~One-copy-of-each-subordinated-loan-agreement-on-the-form-provided in-Appendix-B--if-any--between--the--dealer-and-any-officer, director, partner-or-manager-of-the-dealer-or-other-person--which loan-agreement--if-any--shall-be-in--the--form--required--by--the NASD;~~
 - 7) ~~One--copy--of--the--most--current--form--of--applicant's-Articles-of Incorporation--or--charter--and--By-laws--or--Partnership--Agreement, as--applicable,--or--such--other--document,--if--any--by--which--an applicant--that-is-not-a-natural-person--was-formed;~~
- 5) If the applicant will not have its principal office in this State and intends to keep the records required under Section 130.825 of this Part outside of this State, one copy of the Illinois Form requesting a waiver of the requirement to maintain its records in this State;
- 6) Page (2) of Form U-4 for each officer and director of the dealer, except that for applicants that are members of the NASD, such page (2) need only be submitted for those officers and directors for whom a Form U-4 has not been filed with the Securities Department on the behalf of the applicant through the CRD; and
- 7) Any other information or document that the Securities Department may require to determine the dealer's business repute or to clarify statements made in the application for

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

registration.

- c) Each person applying for registration as a dealer shall give evidence of competency to engage in the business of dealing in, buying or selling securities by passing one of the examinations listed in Section 130.822 of this Part by a score of 70% correct, to demonstrate to the Secretary that the principal or principals have sufficient knowledge of the securities business and the laws relating thereto. In the case of a person, other than a natural person, filing an application for registration as a dealer, all of the principals who, on behalf of the applicant, participate in or are responsible for the sale of securities in this State are required to take such an examination on behalf of the applicant. Each registered dealer shall amend the list not later than ten business days after any change of any principal or principals.

- d) At or prior to registration of the dealer, there must be on file with the Securities Department, whether through the CRD or otherwise, the following:

1) Proof of passing one or more of the requisite examinations listed in Section 130.822 of this Part for each principal required to take such examination pursuant to subsection (c) of this Section, unless the Secretary shall have issued an Order waiving such examination requirements pursuant to Section 130.823 of this Part and Section 8.B(9) of the Act;

2) A Form U-4 for each officer and director or each other person performing a similar function of the applicant who is required to register as a salesperson as provided in this Section, and a page (2) of Form U-4 for each other officer or director of the applicant;

3) Any and all amendments required to the application and documents filed pursuant to subsection (a) of this Section, whether as the result of a change in the information provided since the date of filing, or otherwise; and

4) In the case of a dealer which is not a member of the NASD, an application for registration of a salesperson on Form U-4. The Securities Department shall grant concurrent registration of a salesperson pursuant to such application upon the registration of the dealer unless such dealer is ineligible for registration under Section 8.E(1) of the Act. At least one salesperson must have a registration be pending registered on behalf of a dealer which is an NASD member with by the Securities Department prior after to the grant of registration. Notwithstanding the foregoing, any dealer which effects trades solely as a clearing dealer on behalf of other dealers need not register any salesperson.

- e) The application and documents on file with the Securities Department with respect to the dealer shall be amended from time to time whenever a change occurs which renders the information contained therein not accurate in any material respect. Such amendment shall be filed with

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

the NASD if the dealer is a member of the NASD, or with the Securities Department if the dealer is not a member of the NASD, within ten business days after the occurrence of the change.

- f) For the limited purpose of this Section and solely to implement a supplemental procedure known as the CRD, a computer based registration system, for the registration and re-registration of dealers and salespersons, the term "in the Office of the Secretary of State", as used in Sections 8.B and 8.C of the Act, and "with the Securities State", as used in Section 8.H of the Act, and "with the Securities Department", as used in Section 130.820 of this Part, shall include a filing made with the NASD utilizing the single automated system referred to hereinabove as the CRD.

(Source: Amended at 21 Ill. Reg. 130.823, effective 07-01-99)

Section 130.822 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge of Each Principal Under Section 8.B(9)(a) of the Act Prior to Registration as a Dealer

a) Passage of the Series 24 (formerly Series 40 or Series 00) (General Securities Principal Examination) and the Series 63 (Uniform Securities Act Law Examination) or Series 66 (Uniform Combined State Law Examination) conducted by the NASD shall qualify a principal or principals of legal age in this State on behalf of a registered dealer without limitation in this State.

b) Passage of the Series 26, 39 or 53 Examination and the Series 63 Examination (Uniform Securities Act Law Examination) or Series 66 (Uniform Combined State Law Examination) conducted by the NASD shall qualify by examination a principal or principals of legal age in this State on behalf of a registered dealer for registration in a limited capacity in this State.

1) The Series 26 Examination (Investment Company/Variable Contracts Products (ICVC) Principal Examination) and Series 63 (Uniform Securities Act Law Examination) or Series 66 (Uniform Combined State Law Examination) shall qualify the registered dealer to offer or sell variable annuities or securities issued by investment companies.

2) The Series 39 (Direct Participation Programs Principal (DPP) Examination) and Series 63 (Uniform Securities Act Law Examination) or Series 66 (Uniform Combined State Law Examination) shall qualify the registered dealer to offer or sell direct participation programs in the form of limited partnerships or joint venture interests in tax shelter programs.

3) The Series 53 (Municipal Securities Principal Examination) and Series 63 (Uniform Securities Act Law Examination) or Series 66 (Uniform Combined State Law Examination) shall qualify the registered dealer to offer or sell securities of municipalities

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

or industrial development revenue obligations.

c) Passage of the Series 8 (General Securities Sales Supervisor Examination or Branch Office Manager (NYSE) Examination) conducted by the NASD shall qualify a principal or principals of legal age in this State on behalf of a registered dealer pursuant to the limitations set forth by the NASD.

d) All scheduling for the examinations referred to in subsections (a), (b) and (c) of this Section shall be made with, and fees paid to, an office of the NASD. The applicant for registration as a dealer shall submit in writing satisfactory evidence of passing the examination prior to registration in this State if such information is not available to the Securities Department through the CRD.

(Source: Amended at 21 Ill. Reg. 150.02, effective 12/1/92)

Section 130.823 Procedure for Requesting Waiver of Dealer, Salesperson, or Investment Adviser, Investment Adviser Representative, or Principal Examination Requirements

- a) If a person applying for registration as a dealer, salesperson, or investment adviser, investment adviser representative, or principal seeks a waiver of the examination requirements as provided in Section 8 of the Act, the request for the waiver shall be in writing on a form and in the manner prescribed by the Secretary.
- b) The request for the waiver of the examination requirement shall contain the following information:
 - 1) The business name and address of the dealer (or investment adviser for investment adviser and investment adviser representative applicants or federal covered investment adviser for investment adviser representative applicants) with which the applicant is or will be associated;
 - 2) The official title and connection of the applicant with the dealer (or federal covered investment adviser or investment adviser);
 - 3) The applicant's legal name;
 - 4) The applicant's business address and telephone number;
 - 5) The applicant's residential address and telephone number;
 - 6) The applicant's date of birth;
 - 7) A list of any other names the applicant has used including the dates used, the reason for the name change, and the date the applicant's present name was adopted;
 - 8) The amount of ownership of capital stock or partnership interest of the dealer (or investment adviser) that the applicant is associated with;
 - 9) The nature and tenure of each job the applicant currently holds or has held for ten (10) years prior to the date of the waiver request. In addition, investment adviser applicants must provide

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

the total aggregate dollar value of investment advisory accounts serviced, whether the applicant had discretionary authority over the accounts, and the total percentage of institutional accounts the applicant serviced of those entities enumerated in Section 4.C 4(e) of the Act;

- 10) The applicant's educational history including degrees received;
 - 11) Any professional certifications or designations;
 - 12) Any NASD or related examinations taken by the applicant;
 - 13) The name, address and business affiliation of three (3) persons to whom the Secretary may address inquiries regarding experience, qualification and standing of the applicant; and
 - 14) A list of where the applicant has been licensed or registered as a dealer, salesperson or investment adviser including the state or licensing agency, the type of license or registration and the period during which the registration was effective.
- c) The request shall be signed and notarized. By signing the waiver request, the applicant is attesting to the following (unless a detailed explanation is attached):
- 1) The applicant has never had any license or registration as a dealer, investment adviser, investment adviser representative or salesperson, suspended, cancelled or revoked after notice and opportunity for hearing;
 - 2) The applicant has never been temporarily or permanently enjoined from acting as an investment adviser, investment adviser representative, federal covered investment adviser, federal covered investment adviser representative, dealer, salesperson or employee thereof or from engaging in or continuing any conduct or practice in connection with activity as an investment adviser, investment adviser representative, federal covered investment adviser, federal covered investment adviser representative, dealer, salesperson, employee thereof or employee of any investment company, financial institution or insurance company after notice and opportunity for hearing;
 - 3) The applicant has never been convicted of any felony or misdemeanor involving the purchase or sale of any securities or arising out of any conduct as an investment adviser, investment adviser representative, federal covered investment adviser, federal covered investment adviser representative, dealer, salesperson, employee thereof or employee of any investment company, financial institution or insurance company;
 - 4) The applicant has never been permanently or temporarily enjoined from the issuance, offering for sale, sale, promotion, negotiation, advertising or distribution of securities;
 - 5) The applicant has never been named as a defendant in any proceeding arising from a complaint alleging a fraudulent act in any transaction of any kind or character;
 - 6) The applicant has never been found by any state or federal board, body, department or commission to have willfully made any untrue

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

statement of a material fact in any application for registration or license as a dealer, investment adviser or salesperson or in any report required to be filed with the subject body, board, department or commission or under the Federal 1934 Act or to have willfully omitted to state in such application or report any material fact which is required to be stated therein; and

- 7) The applicant has never been disbarred or suspended from the practice of any profession.
- d) After the Securities Department receives the request, the request shall be granted or denied based upon criteria which includes, but is not limited to the following: education, years of experience in the securities business, past disciplinary history, and prior registration with the SEC, any state securities regulator, or the NASD. The applicant shall be informed in writing of the Securities Department's decision.

(Source: Amended 15944 at 21 Ill. Reg. 15944, effective 12/1/99)

Section 130.824 Financial Statements to be Filed by a Registered Dealer

- a) Each dealer registered by the Secretary that is not required to file a financial statement with a registered self-regulatory organization shall file a financial statement containing the information required by the Secretary as follows:

- 1) the financial statement shall be prepared as of an audit date selected by the dealer within each calendar year;
- 2) the financial statement shall be filed no later than the first day of the fourth month days after the selected audit date;
- 3) the time period covered by the statement shall be the twelve month period immediately following the date of the most recent audited statement; and
- 4) should a dealer elect to change its audit date, a written request for variance in accordance with Section 130.190 of this Part from the filing period covered by the statement shall be filed with the Securities Department in Springfield, Illinois. The request shall include the reason or reasons for the change and an affirmation that the dealer is currently in compliance with the requirements set forth under Section 130.826 of this Part. An unaudited statement, which includes a balance sheet and computations showing compliance with the requirements set forth under Section 130.826 of this Part, shall be filed with the Securities Department and shall be as of a current date. The audited statement when filed shall encompass the entire period of time which has elapsed since the date of the most current filing of an audited statement.

- b) Each financial statement filed pursuant to subsection (a) of this Section shall be audited by an independent certified public accountant

and shall include the following:

- 1) a signed independent auditor's report;
- 2) a balance sheet;
- 3) an income statement;
- 4) a statement of cash flow;
- 5) notes to the financial statements, if any;
- 6) a computation of net capital calculated pursuant to either the aggregate indebtedness or the alternative method;
- 7) a statement of changes in liabilities subordinated to the claims of general creditors, if any; and
- 8) a statement of computation for determination of reserve requirements for dealers computed in accordance with 17 CFR 240.15c3-3, as in effect on August 1, 1997 July 17, 1999 (no subsequent amendments or editions), if any.

The statement shall be accompanied by the cover page, if any, designated by the Securities Department.

- c) The Secretary may, require any dealer to file an interim financial statement as of a date selected by the Secretary. The Secretary shall specify whether or not the statement is to be audited by an independent certified public accountant in circumstances including, but not limited to: the company has been in violation of its net capital requirement prescribed in Section 130.826 of this Part; an officer or employee has been convicted of embezzlement or theft of the dealer's funds; the dealer has been charged by a federal or state securities regulator or SRO of falsifying its books and records; and the dealer has merged with another dealer which has a record of past violations of its net capital requirements.
- d) If an unaudited interim financial statement is required to be filed by a dealer, the statement shall contain an oath or affirmation that, to the best of the knowledge and the belief of the person making the oath or affirmation:

- 1) the financial statement and supporting schedules are true and correct, and
- 2) neither the dealer, nor any partner, officer or director, as the case may be, has a proprietary interest in any account classified solely as that of a customer. The oath or affirmation shall be made before a person duly authorized to administer oaths or affirmations. If the dealer is a sole proprietorship, the oath or affirmation shall be made by the proprietor; if a partnership, by the general partner in charge of the dealer's financial affairs; or if a corporation, by the dealer's chief financial officer.
- e) Each financial statement, except the independent auditors' report, the balance sheet and notes, if any, shall be deemed confidential when filed with the Securities Department. The independent auditors' report, the balance sheet and notes, if any, shall be a matter of public record and available to the public upon written request.
- f) Anything to the contrary notwithstanding, all of the information

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

contained in any financial statement shall be available to any federal, state or local law enforcement agency, any state or federal regulator or any self-regulatory organization registered under any federal law upon written request to the Securities Department.

(Source: Amended at 21 Ill. Reg. 15892, effective 1/1/99)

Section 130.832 Examinations Deemed Satisfactory for Purposes of Determining Sufficient Knowledge Under Section 8.C(7) 846(47) of the Act for Registration as a Salesperson

a) Passage of the Series 63 examination and Series 1, 2, or 7, 37, 38, 17 or 47 examination conducted by the NASD shall qualify a natural person who is 18 years of age for registration on behalf of a dealer, controlling person or issuer as a salesperson without limitation in this State.

b) Passage of the Series 63 examination and Series 6, 22, 52 or 62 examination conducted by the NASD shall qualify by examination a natural person who is 18 years of age for registration as a salesperson in a limited capacity in this State, as follows:

1) The Series 6 (Investment Company/Variable Contract Products (ICVC) Representative Examination) and the Series 63 examination shall qualify a salesperson to offer or sell securities issued by investment companies and variable contracts.

2) The Series 22 examination (Direct Participation Program Limited Representative Qualification Examination) and the Series 63 examination shall qualify a salesperson to offer or sell direct participation programs in the form of limited partnerships or joint venture interests in tax shelter programs.

3) The Series 52 examination (Municipal Securities Representative Examination) and the Series 63 examination shall qualify a salesperson to offer and sell securities of municipalities and industrial development revenue obligation.

4) The Series 62 Examination (Corporate Securities Representative Examination) shall qualify a salesperson to offer and sell corporate securities and bonds, real estate investment trusts and mortgage investment trusts.

c) All scheduling for the examinations referred to in subsections (a) and (b) of this Section shall be made with and fees paid to an office of the NASD. The dealer, controlling person or issuer on whose behalf the salesperson is being registered shall submit in writing satisfactory evidence of passing the examination prior to registration of such person in the State if such information is not available to the Securities Department through the CRD. 15392

(Source: Amended at 21 Ill. Reg. 15392, effective 1/1/99)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section 130.838 Procedures for Federal Covered Investment Adviser Notification Filing and Fees Under Section 8.C-(5) of the Act

a) Federal covered investment advisers shall file with the Securities Department copies of page 1 of the most recent Form ADV, Schedule E, and Schedule I to Form ADV. The federal covered investment adviser shall also pay the filing fee specified in Section 130.110 of this Part.

b) For purposes of annual notification filing a federal covered investment adviser shall file with the Securities Department the Annual Notification filing form and Schedule I to Form ADV, or copies of page 1 of the most recent Form ADV, Schedule E and Schedule I to Form ADV. The federal covered investment adviser shall also pay the filing fee specified in Section 130.110 of this Part.

c) Amendments to page 1 of Form ADV shall be filed with the Securities Department at the same time they are filed with the SEC.

d) In the event the federal covered investment adviser changes the form of its organization it shall pay the fee specified in Section 130.110 of this Part.

e) A federal covered investment adviser that is no longer eligible for SEC registration shall file as an investment adviser with the Securities Department within 90 days after the date the investment adviser is required to file Schedule I to Form ADV with the SEC indicating it is no longer eligible for SEC registration.

f) In the event the notification or the full amount of fees required by this Section are not filed with or paid to the Secretary of State, the Secretary of State shall notify the federal covered investment adviser of such deficiency in writing, or by facsimile or electronic transmission (provided that the Securities Department can demonstrate in the normal course of its business that the notice was delivered or transmitted to and received by the federal covered investment adviser or its designee). In the event the federal covered investment adviser fails to remedy the deficiency within ten business days after receiving notice of such deficiency from the Secretary of State, the Secretary of State may deem such as a refusal and may, until October 11, 1999, require the federal covered investment adviser to register pursuant to subsections A and D of Section 8 of the Act.

(Source: Added at 21 Ill. Reg. 15392, effective 1/1/99)

Section 130.839 Procedures for Registration as an Investment Adviser Representative Under Section 8.D-(5) of the Act

a) Each investment adviser and federal covered investment adviser shall file with the Securities Department a complete and current application for each investment adviser representative and pay to the Securities Department the filing fee specified in Section 130.110 of this Part.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- b) The application shall consist of a Form U-4 for each investment adviser representative.
- c) For purposes of the annual re-registration of investment adviser representatives, each investment adviser and federal covered investment adviser shall file with the Securities Department the annual re-registration of investment adviser form, or the annual notification filing form for federal covered investment advisers, and pay to the Securities Department the filing fee specified in Section 130.110 of this Part.
- d) For the purposes of this Section an investment adviser representative of a federal covered investment adviser shall mean any partner, officer, director (or other person occupying a similar status or performing similar functions), or an employee of a federal covered investment adviser, or any other person who provides investment advice on behalf of the federal covered investment adviser and is subject to the supervision and control of the federal covered investment adviser, if:
- 1) more than ten percent of such person's clients are natural persons, other than sophisticated clients; and
 - 2) such person has a place of business in the State of Illinois.
- As used in this subsection, the term "sophisticated client" shall mean a natural person who, immediately after entering into the investment advisory contract with the federal covered investment adviser, has at least \$500,000 under management with the federal covered investment adviser or the federal investment adviser reasonably believes, immediately prior to entering into the advisory contract, the person has a net worth (together with assets held jointly with a spouse) at the time the contract is entered into of more than \$1,000,000.
- e) The application on file with the Securities Department shall be amended whenever a change occurs that renders inaccurate any information contained in the application. The amendment shall be filed with the Securities Department within ten business days after the occurrence of the change.
- f) In the event the investment adviser representative's activities are terminated, the investment adviser shall file a Form U-5 with the Securities Department within 30 days after the termination.
- g) In the event the investment adviser representative transfers registration from one investment adviser or federal covered investment adviser to another investment adviser or federal covered investment adviser, the new investment adviser or federal covered investment adviser shall file a Form U-4 with the Securities Department, and pay to the Securities Department the filing fee specified in Section 130.110 of this Part.

(Source: Added 15892, effective at 21 Ill. Reg. 15892, effective 15892)

Section 130.840 Procedures for Registration as an Investment Adviser Under

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Section 8.D of the Act

- a) Each applicant for registration as an investment adviser shall file with the Securities Department a complete and current application and pay to the Securities Department the filing fee and branch office fee, if any, specified in Section 130.110 of this Part. The application shall consist of the following:
- 1) The Uniform Application for Investment Adviser Registration (Form ADV) required by 17 CFR 279.1 as in effect on August 1, 1997 January 17, 1996 (no subsequent amendments or editions) including Schedule E thereto listing all branch offices in this State, if any;
 - 2) ~~A Consent to Service of Process for the investment adviser on the Uniform Application for Investment Adviser Registration required in subsection (a)(1) of this Section, Uniform Form U-2, or Illinois Form 307, unless the applicant is a corporation organized or authorized to transact business under the laws of this State;~~
- 2) ~~3) A balance sheet for the investment adviser as of a date not more than 60 days prior to the date of the filing of the application. The balance sheet shall be verified and executed by the chief financial officer of the investment adviser, if any, or other person performing a similar function and must contain:~~
- A) an affirmation that the information is true and correct; and
 - B) a statement disclosing whether the investment adviser retains or during the term of registration will retain custody of any client's cash or securities or accept pre-payment of fees in excess of \$500.00 per client and six or more months in advance;
- 3) ~~4) One copy of page one of the applicant's most recent Articles of Incorporation or, if a partnership, certificate of assumed name or similar document evidencing the legal name of the applicant and a copy of any amendments thereto;~~
- 4) ~~5) At or prior to registration of the investment adviser, there shall be on file with the Securities Department, whether through the CRD or otherwise, the following:~~
- A) Proof of passing one or more of the requisite examinations, certifications or designations listed in Section 130.842 of this Part for each required principal, unless the Secretary shall have issued an order waiving such requirement pursuant to Section 8.D of the Act; and
 - B) Any and all amendments required to the application and documents filed pursuant to subsection (a) of this Section, whether as a result of a change in the information provided since the date of filing or otherwise;
- 5) ~~6) One copy of Form U-4 for each investment adviser representative (b)(1) or Schedule D of the Uniform Application for Investment Adviser Registration, as required by subsection (a)(1) of this Section listing the name and address of each investment adviser~~

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

representative who renders investment advice in this State on behalf of the applicant and the fee specified in Section 130.110 of this Part;

7) One copy of the Illinois Form containing the investment adviser's designated audit date, if other than fiscal year-end;

8) One copy of the Illinois Form containing an attestation that the investment adviser has not previously rendered investment advice for compensation in this State, or setting forth a claim of exemption or exclusion; and

9) One copy of a written statement manually executed by an officer, partner or principal of the registered dealer consenting to the dual registration as investment adviser and salesperson, if registered as a salesperson in this State; and

10) One copy of the Illinois Form containing an attestation from a principal officer, general partner or sole proprietor that:

- A) he or she has read and understands the Act and this Part; and
- B) he or she will cause each investment adviser representative acting on behalf of the investment adviser in this State to read and understand the Act and this Part;

b) The application and documents on file with the Securities Department with respect to the investment adviser shall be amended from time to time whenever a change occurs which renders any material information contained therein not accurate in any material respect. Such amendment shall be filed with the Securities Department within ten business days after the occurrence of the change.

c) For purposes of this Section, material information includes, but is not limited to:

- 1) the name and address of the investment adviser;
- 2) type of business organization of the investment adviser;
- 3) disciplinary action concerning the investment adviser;
- 4) whether the investment adviser has custody of clients' funds or securities or accepts pre-payment of in excess of \$500.00;
- 5) whether the investment adviser has discretion over clients' portfolios; or
- 6) whether the investment adviser will give clients Part II of the Uniform Application for Investment Adviser Registration required by subsection (a)(1) of this Section or another document containing the same information.

(Source: Amended at 21 Ill. Reg. 15892, effective 1/1/99)

Section 130.841 Reporting of Investment Adviser Branch Office Location(s) and Required Fees

- a) Each applicant for registration as an investment adviser and federal covered investment adviser shall file with the Securities Department

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

with its application for registration or notification filing a schedule setting forth the address of each branch office in this State as defined in Section 130.280 of this Part. A Schedule E of the Uniform Application for Investment Adviser Registration required by Section 130.840(a)(1) of this Part disclosing each branch office in this State shall be accompanied by the payment of the fee in the form and amount specified in Section 130.110 of this Part for each branch office in this State.

b) Each registered investment adviser and federal covered investment adviser shall file or have filed with the Securities Department at least six (6) days prior to re-registration or notification renewal a schedule setting forth the address of each branch office and pay the Securities Department in Springfield a fee in the form and amount specified in Section 130.110 of this Part for each branch office in this State.

c) No registration or re-registration or notification or notification renewal of an investment advisor or a federal covered investment adviser shall become effective until such schedule of the investment adviser's or the federal covered investment adviser's branch offices has been filed with the Securities Department and such fee, if any has been paid.

d) The registered investment adviser shall amend its application for registration by filing with the Securities Department in Springfield within ten business days after:

- 1) the opening of any branch office in this State not previously reported and setting forth the address of such branch office; and
- 2) the closing of any branch office in this State and setting forth the address of such branch office.

e) A federal covered investment adviser shall file with the Securities Department in Springfield each amendment to Schedule E of Form ADV when filed with the SEC.

(Source: Amended at 21 Ill. Reg. 15892, effective 1/1/99)

Section 130.842 Examinations and Education Programs Deemed Satisfactory for Purposes of Determining Sufficient Knowledge for Each Principal Under Section 8.D.(9) 842(9) of the Act Prior to Registration as an Investment Adviser

- a) Examinations and Educational Programs.
- 1) The General Securities Representative Examination (Series 7 or 2) and the Uniform Limited Investment Adviser Law Examination (Series 65) or the Uniform Combined State Law Examination (Series 66) conducted by the NASD are deemed satisfactory for purposes of determining sufficient knowledge of each principal under Section 8.D.(9) 842(9) of the Act; or
 - 2) The Series 65 Uniform Limited Investment Adviser Law Examination or the Uniform Combined State Law Examination (Series 66)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

conducted by the NASD and the Educational Programs as set forth below are deemed satisfactory for purposes of determining sufficient knowledge of each principal under Section 8.D.(9) of the Act:

- A) Designation of Chartered Financial Analyst (CFA) by The Institute of Chartered Financial Analysts;
- B) Designation of Chartered Investment Counselor (CIC) granted by the Investment Counsel Association of America (ICAA);
- C) Certification as a Chartered Financial Consultant (ChFC) by the American College at Bryn Mawr, Pennsylvania; or
- D) Designation of Certified Financial Planner (CFP) by the Institute of Certified Financial Planners' Board of Standards for:
- E) Designation of Certified Investment Management Consultant (CIMC) by the Institute for Investment Management Consultants.

b) Scheduling of the Series 7-2 or 65 examination shall be with the fees paid to an office of the NASD.

c) The applicant shall submit in writing to the Securities Department satisfactory proof of passing such examination prior to registration as an investment adviser if such information is not available to the Securities Department through the CRD.

d) No fee is due to the Securities Department.

e) The applicant shall submit in writing to the Securities Department satisfactory proof of the designation or certification referred to in subsection (b) of this Section prior to registration as an investment adviser. No fee is due to the Securities Department.

f) No person shall be deemed to have sufficient knowledge to act as principal of an investment adviser unless and until he or she is 18 years of age in this State.

(Source: Amended at 21 Ill. Reg. 15692, effective 1/13/94)

Section 130.843 Examination and Education Program Requirements for Registration as an Investment Adviser Representative Under Section 8.D-(5) of the Act

a) The Series 65 Uniform Limited Investment Adviser Law Examination conducted by the NASD or the Series 66 Uniform Combined State Law Examination conducted by the NASD or the Educational Programs as set forth below are deemed satisfactory for purposes of determining sufficient knowledge of each investment adviser representative under Section 8.D-(5) of the Act:

- 1) Designation of Chartered Financial Analyst (CFA) by the Institute of Chartered Financial Analysts;
- 2) Designation of Chartered Investment Counselor (CIC) granted by the Investment Counsel Association of America (ICAA);

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 3) Certification as a Chartered Financial Consultant (ChFC) by the American College at Bryn Mawr, Pennsylvania;
- 4) Designation of Certified Financial Planner (CFP) by the Certified Financial Planners' Board of Standards for
- 5) Designation of Certified Investment Management Consultant (CIMC) by the Institute for Investment Management Consultants.

b) Scheduling of the Series 65 or 66 examination shall be with and fees paid to an office of the NASD.

c) The applicant shall submit in writing to the Securities Department satisfactory proof of passing such examination prior to registration as an investment adviser representative if such information is not available to the Securities Department through the CRD.

d) The applicant shall submit in writing to the Securities Department satisfactory proof of the designation or certification referred to in subsection (a) of this Section prior to registration as an investment adviser representative. No fee is due to the Securities Department when this information is submitted.

(Source: Added at 21 Ill. Reg. 15892, effective 1/13/94)

Section 130.845 Records Required of Investment Advisers

a) Except as provided in subsection (d) of this Section, every investment adviser registered by the Secretary of State shall keep the books and records set out in this Section unless otherwise designated by the Secretary of State:

- 1) ledgers (or other records) reflecting all assets and liabilities, income and expense, and capital accounts;
- 2) a record showing all payments received, including date of receipt, purpose and from whom received, and all disbursements, including date paid, purpose and to whom made;
- 3) a record showing all receivables and payables;
- 4) records showing separately for each client the securities purchased or sold, and, to the extent it has been made available to the investment adviser, the date and amount of and price at which such purchases or sales were executed. If available to the investment adviser, this record should also show the name of the security dealer who handled the transaction;
- 5) records showing separately all securities acquired by the clients of the investment adviser and indicating thereon the proper identification of this individual account, the date, amount and price at which such securities were purchased or sold by or for each client; or, in the alternative, a record showing all securities (other than securities enumerated in Section 3.A of the Act) bought or sold by or for the accounts of all clients of the investment adviser in each month, the total number of shares or principal amount of each security bought or sold and the

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

lowest and highest price at which purchases or sales were made during the month;

6) copies of dealer's confirmations of all transactions placed by the investment adviser for any account, and the other dealer's confirmations as may be supplied to the investment adviser by a client or dealer;

7) a list showing all accounts in which the investment adviser is vested with discretionary power, unless the records required by subparagraphs (a)(4) and (5) of this Section are maintained in such manner as to disclose which are discretionary accounts, provided that the provisions of subparagraphs (a)(4) and (5) of this Section shall not apply:

A) to any securities with respect to which the investment adviser renders no services of a supervisory or other nature; or

B) to any securities or transactions which a client declines to disclose to the investment adviser;

and provided further that the provisions of subsections subparagraphs (a)(4), (5), (6) and (7) above shall not apply to the accounts of any investment adviser where the services consist solely of the distribution of written or printed publications on a subscription basis.

b) Additional Records

1) Every investment adviser registered by the Secretary of State shall preserve for a period of not less than 3 years, the first 2 years in an easily accessible place, all records required by subsection paragraph (a) of this Section and the following additional records:

- A) all check books, bank statements, cancelled checks and cash reconciliations;
 - B) all bills or statements (or copies thereof), paid or unpaid, relating to the business of such investment adviser;
 - C) originals of all communications received and copies of all communications sent by such investment adviser relating to the business of the investment adviser;
 - D) all power of attorneys and other evidence of the granting of any discretionary authority in any account, and copies of resolutions empowering an agent to act on behalf of any client;
 - E) all written agreements (or copies thereof), entered into by an investment adviser relating to the business of the investment adviser, including agreements with respect to any account, which agreements shall set forth the fees to be charged, and the manner of computation and method of payment thereof.
- 2) For a period of not less than 3 years after the closing of any client's account, all required records relating to such account shall be preserved by every registered investment adviser.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 3) Every registered investment adviser shall preserve, during the life of the enterprise and of any successor enterprise, all partnership agreements, certificates or articles, or, in the case of a corporation, all articles of incorporation or charter, minute books and stock certificate books.
- 4) After a record or other document has been preserved for 2 years, a photograph thereof on film may be substituted for the balance of the required time.
- c) Any records required by this Section may be maintained:
 - 1) in such manner that the identity of any client or clients to whom a registered investment adviser renders investment supervisory service is indicated by numerical, alphabetical, code or similar designations, or
 - 2) in duplicate with one set of the records having the identity of any client or clients to whom a registered investment adviser renders investment supervisory service deleted or indicated by numerical, alphabetical, code or similar designation, as may be appropriate to the record required.
- d) This Section shall not apply to any investment adviser that is registered or licensed as such in the state in which it maintains its principal place of business and is in compliance with the applicable books and records requirements of the state in which it maintains its principal place of business.

(Source: Amended at 21 Ill. Reg. 45 CCR, effective 1/1/97)

Section 130.852 Compensation

- a) No registered investment adviser or its representatives shall charge or receive compensation in connection with the giving of investment advice unless such compensation is fair and reasonable and is determined on an equitable basis adequately disclosed to each client in writing.
- b) No registered investment adviser or its representatives shall charge or receive compensation in connection with the giving of investment advice which provides for compensation to the investment adviser or its representative on the basis of a share of the capital gains upon, or the capital appreciation of, the funds, or any portion of the funds, of a client, unless such fees are charged in conformance with the provisions set forth in 17 CFR 275.205-3, as in effect on January 1, 1997 July-17-1989 (no subsequent amendments, of editions).

(Source: Amended at 21 Ill. Reg. 106, effective 1/1/97)

Section 130.853 Account Transactions

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Effecting or causing to be effected by or for any client's account, any transactions of purchase or sale which are excessive in size or frequency or unsuitable in view of the financial resources and character of the account, shall constitute an act, practice, or course of business ~~an inequitable practice--in--the--sale-of--securities--and--a--fraudulent--business--practice~~ on the part of the registered investment adviser or its representative effecting such transactions or causing the transactions to be effected that is fraudulent, deceptive or manipulative.

(Source: Amended at 21 Ill. Reg. 15002, effective 1/1/82)

Section 130.854 Use of the Term "Investment Counsel"

No registered investment adviser or its representative shall use the title "Investment Counsel" in the conduct of its business nor represent that it is an "investment counsel" nor use the term "investment counsel" as descriptive of its business unless the person is primarily engaged in the business of rendering investment supervisory services.

(Source: Amended at 21 Ill. Reg. 15002, effective 1/1/82)

Section 130.873 Procedure with Respect to Abandoned Investment Adviser Applications

- a) When an application for registration has been on file with the Secretary of State for a period of six months and has not become registered, the Secretary of State shall proceed in the manner determined by this Section as to whether the application for registration has been abandoned by the applicant. If the application for registration has been amended, other than for the purpose of delaying the registration thereof, the six month period shall be computed from the date of the latest such amendment.
- b) A notice will be sent to the applicant, by registered mail, return receipt requested, addressed to the most recent address for the applicant. The notice will inform the applicant that the application for registration or amendment, including all of the applications for registration of investment adviser representatives, is out of date and must be either amended, completed to comply with the applicable requirements of the Act, or be withdrawn, or an Order of Abandonment will be entered by the Secretary of State within 30 days after the date of the notice.
- c) If the applicant fails to respond to such notice by filing an amendment, completing or withdrawing the application for registration within 30 days, the Secretary of State may enter an Order declaring the application for registration abandoned.
- d) The applicant, within 15 days after of the receipt of the Order of

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Abandonment, may request in writing a hearing which request shall set forth the grounds upon which the applicant seeks a hearing.

- e) When an Order of Abandonment is entered all papers comprising the application for registration, with the exception of the application forms ~~form~~ and correspondence, will be removed from the files of the Secretary of State.

(Source: Amended at 21 Ill. Reg. 15002, effective 1/1/82)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Non-Academic Programs & Policies
- 2) Code Citation: 89 Ill. Adm. Code 830
- 3) Section Numbers: Proposed Action:
830.50 Withdrawal of proposed amendments
- 4) Date Notice of Proposed Amendments in the Illinois Register: Feb. 21, 1997, 21 Ill. Reg. 2627.
- 5) Reason for the Withdrawal: Agency has determined that additional changes are pending and new proposed amendments will be promulgated at a later date.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER f: EDUCATION FACILITIES
- PART 830
NON-ACADEMIC PROGRAMS AND POLICIES

Section	
830.10	The Taking and Using of Students' Photographs
830.15	Locally Held Funds
830.20	Needy Student Fund
830.30	Student Trust Fund
830.35	Student Activity Fees
830.40	Valuables
830.50	Health Services
830.60	Search and Seizure
830.70	Rights and Responsibilities of School Staff
830.80	Food and Nutrition
830.90	Safety and Sanitation
830.100	Donations
830.110	Release of Students to Authorized Individuals
830.120	Use of Motor Vehicles by Students
830.130	Student Activities Requiring Approval of Parents/Guardians
830.140	Visits to Schools
830.150	Behavior Intervention
830.160	Profit on Sales from Commissary Stores
830.170	Receipts from Athletic, Musical and Other Events
830.180	Transportation Fund
830.190	Use of Tobacco Products on School Property

AUTHORITY: Implementing Sections 10 and 11 and authorized by Section 3(f) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/10, 11 and 3(f)].

SOURCE: Adopted at 11 Ill. Reg. 15097, effective September 16, 1987; amended at 12 Ill. Reg. 14304, effective August 29, 1988; amended at 15 Ill. Reg. 6272, effective April 15, 1991; amended at 15 Ill. Reg. 17370, effective November 19, 1991; amended at 17 Ill. Reg. 6248, effective April 5, 1993; amended at 18 Ill. Reg. 14240, effective September 1, 1994; amended at 19 Ill. Reg. 15737, effective November 7, 1995; amended at 20 Ill. Reg. 15610, effective November 22, 1996; amended at 21 Ill. Reg. _____, effective _____.

Section 830.50 Health Services

- a) Routine medical service, such as cough medicine, bandages, and cotton swabs, and services of occupational and physical therapists, will be provided at ISD and ISVI to meet the health and treatment needs of their students. In addition, a seven day a week infirmary is provided

DEPARTMENT OF HUMAN SERVICES

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- at ISD to serve the students of ISD and ISVI who are too ill to stay in the dormitory, but not sufficiently ill to require hospitalization.
- a) ~~The Illinois Center for Rehabilitation and Education--Reesevelt (ICRE-R)--provides comprehensive medical, nursing, physical therapy, occupational therapy, and nutrition services--complete with both prescription and non-prescription medications--supplies and devices for its students.~~
- b) ~~Routine medical services provided at ICRE-R include nursing, physical therapy, occupational therapy and nutrition services, complete with both prescription and non-prescription medications, supplies and devices for its students. Medical services beyond the scope of the medical facilities at ICRE-R will not be provided.~~
- b) ~~The Illinois School for the Deaf (ISB) and the Illinois School for the Visually Impaired (ISVI)--provide part-time physicians--full-time nurses, such as basic as tough medicine, bandages, and cotton swabs--and services of occupational and physical therapists to handle the health and treatment programs for their students--in addition, a seven-day-a-week infirmary is provided at ISB to serve the students of ISB and ISVI who are too ill to stay in the dormitory, but not ill enough to require hospitalization.~~
- c) ~~The cost of medical devices or services required by the student's Individual Education Program (IEP) will be paid for by the student's local school district.~~
- d) ~~Parents/guardians of students at DORS schools are expected to provide health insurance for medical services provided to the student. All insurance or medical bill payments must be made directly to the medical or insurance provider. If the parent/guardian does not have health insurance coverage for the student, the school will assist the parent/guardian in applying for Medicaid. Should the student be found not eligible for Medicaid, the schools will provide medical assistance pursuant to subsections (a) and (b) of this Section.~~
- e) ~~c) Assistance will be provided to parents/guardians in locating medical services beyond those described in subsections (a) and (b) of this Section. DORS schools will not pay for such services. Each school will provide assistance to parents in locating sources of, or arranging for, needed medical services which are beyond those described in subsections (a) or (b) above, providing there is a clear understanding that the school will not pay or be responsible for such services.~~
- f) ~~d) If a student receives medical treatment other than that prescribed by school health officials, the parents/guardian must inform school staff of such treatment and provide written medical information pertinent to that treatment.~~
- g) ~~e) Each school shall comply with Section 27-8.1 of the School Code [105 ILCS 5/27-8.1] in matters pertaining to immunization of its students. In addition, at the direction of the school's physician and superintendent, authorized medical staff at the school shall immunize students for communicable diseases provided:~~

DEPARTMENT OF HUMAN SERVICES

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) the Illinois Department of Public Health (DPH) recommended the immunization due to a time limitation or unusual situation; or
- 2) the local public health agency provides the vaccine at no cost to the school or the superintendent determines, in consultation with the school physician, an emergency situation exists and the need is so urgent that the vaccine should be purchased from school funds.
- 3) ~~The~~ The ~~the~~ parents must give have-given ~~their consent if the student is under 18 years of age, or the student must give has-given his or her consent if the student is 18 years old or older.~~
- h) ~~#) HIV Testing.~~
- 1) In compliance with the AIDS Confidentiality Act [410 ILCS 305] (AIDS Act) and rules of the Department of Public Health (77 Ill. Adm. Code 697 - AIDS Confidentiality and Testing Code), a student may not be tested for human immunodeficiency virus (HIV) unless:
- A) the student or legally authorized representative consents in writing, or
- B) a DORS' school employee has had an accidental direct skin or mucous membrane contact with the student's blood or body fluids which is of a nature that may transmit HIV, as determined by a physician in his or her medical judgement.
- 2) Test Information and Counseling. In compliance with the AIDS Act [410 ILCS 305], if an HIV test is ordered by a school physician, whether or not written or informed consent of the student or legally authorized representative has been given, the physician must provide the student with information, including:
- A) the meaning of test results;
- B) additional or confirmatory testing, when appropriate; and
- C) referrals for further information or counseling.
- 3) Disclosure of test results. The person performing the test shall only disclose results to the following people, who shall not redisclose the results, except as authorized by the AIDS Act:
- A) the student or his or her legally authorized representative;
- B) anyone designated in an express release executed by the student or legally authorized representative;
- C) the school employee who has had accidental contact as described in subsection (g)(f)(2) above;
- D) the DPH (any redisclosure by a DPH employee in violation of the AIDS Confidentiality Act will result in disciplinary action taken by DPH).
- 4) ~~B) An~~ an ~~employee of the school if he or she provides the student with medical services or such care as may involve contact with blood or body fluids of a student and the employee has a need to know such information (e.g., an employee has been involved in accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual with AIDS).~~
- Any redisclosure by a DORS' employee in violation of the AIDS Confidentiality Act will result in disciplinary action taken by

DEPARTMENT OF HUMAN SERVICES

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

DORS.

1) In compliance with the Communicable Disease Prevention Act (410 ILCS 315) the DPH or local public health department shall inform the facility administrator that a student has been diagnosed as having AIDS or AIDS-related complex or has been exposed to HIV. The facility administrator shall not disclose such information except to the following (who shall not redisclose the results except as authorized by the AIDS Act) and then only if the principal then finds it necessary for the safe and effective administration of the school and its programs:

- 1) the principal of the DORS school;
- 2) the teachers in whose classes the student is enrolled;
- 3) the Infectious Disease Control Committee (i.e., facility administrator, head nurse and facility physician);
- 4) the school nurse; and
- 5) any other person that the facility administrator deems has a need to know, who has been involved in an accidental direct skin or mucous membrane contact with the blood or bodily fluids of an individual with AIDS, but the student's identity cannot be revealed.

1) Each school will adhere to a consistent policy with regard to a diagnosis of Pediculus Humanus Capitis (head lice) by the school physician or nurse when discovered in the student population.

- 1) Residential students will be treated by the Nurse applying a 1% Permethrin cream rinse the first available time the day the head lice is discovered. Parents/guardians will be contacted advising them their child has been treated by the nursing staff for head lice.

- 2) Non-residential students will have a phone call made to the affected student's parents/guardian informing them of the diagnosis of head lice, and that the student must be removed from school as soon as possible. The recommendation will be made to seek treatment from a physician and that all household members be treated. They will be informed that the student will not be allowed to return to school until treatment has been completed.

In the event a parent of a non-residential student cannot be contacted within a two hour time frame, the school nurse will treat the student to facilitate returning the student to the school classroom until the parent is contacted. If the clothing of a non-residential student is infested, temporary clothing will be issued while the student's clothes are being laundered.

- 3) All roommates and classmates will be evaluated for the presence of nits (lice eggs) or other evidence of infestation by the school nurse.
- 4) Residential students will not be allowed to return to school until they have been treated by the nursing staff. Non-residential students must present proof of appropriate treatment (e.g., note from physician, copy of prescription, proof

DEPARTMENT OF HUMAN SERVICES

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

of purchase of an over the counter product for the treatment of head lice) before returning to school. Upon return to school the student will be re-examined by the nurse prior to admission.

- 5) The nursing staff will again examine the affected student in 7 to 10 days.
- 6) All potentially infected environmental surfaces and clothing of residential students that could have been infected will be treated by the facility staff to prevent re-infection of the student population.

(Source: Amended at 21 Ill. Reg. _____, effective _____)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of November 18, 1997 through November 24, 1997 and have been scheduled for review by the Committee at its December 16, 1997 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
1/1/98	Secretary of State, Repeal of Rules of the Road-Handicapped Parking (92 Ill Adm Code 1100)	9/26/97 21 Ill Reg 13141	12/16/97
1/2/98	Department of Children and Family Services, Repeal of Access to and Eligibility for Day Care Services (89 Ill Adm Code 303)	7/11/97 21 Ill Reg 8702	12/16/97
1/2/98	Department of Children and Family Services, Financial Responsibility of Parents or Guardians of the Estates of Children (89 Ill Adm Code 352)	7/11/97 21 Ill Reg 8726	12/16/97
1/3/98	Department of Children and Family Services, Licensing Standards for Foster Family Homes (89 Ill Adm Code 402)	12/20/96 20 Ill Reg 15821	12/16/97
1/3/98	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	8/29/97 21 Ill Reg 11889	12/16/97
1/3/98	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	9/12/97 21 Ill Reg 12399	12/16/97
1/3/98	Department of Children and Family Services, Department of Children and Family Services Employee Conflict of Interest (89 Ill Adm Code 437)	7/11/97 21 Ill Reg 8709	12/16/97
1/4/98	Department of Revenue, Income Tax (86 Ill Adm Code 100)	9/26/97 21 Ill Reg 13048	12/16/97

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Date	Subject	Date	Ill Reg
1/4/98	Department of Revenue, Environmental Impact Fee (86 Ill Adm Code 501)	9/26/97	21 Ill Reg 13045
1/4/98	Department of Revenue, Motor Fuel Tax (86 Ill Adm Code 500)	9/26/97	21 Ill Reg 13060
1/7/98	Department of Human Services, Centers for Independent Living (89 Ill Adm Code 886)	6/20/97	21 Ill Reg 7649
1/7/98	Department of Natural Resources, The Taking of Wild Turkeys-Spring Season (17 Ill Adm Code 710)	10/10/97	21 Ill Reg 13465
1/7/98	Department of Public Health, Illinois Veterans' Homes Code (77 Ill Adm Code 340)	6/6/97	21 Ill Reg 6704
1/7/98	Department of Public Health, Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350)	6/6/97	21 Ill Reg 6739
1/7/98	Department of Public Health, Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390)	6/6/97	21 Ill Reg 6755
1/7/98	Department of Public Health, Sheltered Care Facilities Code (77 Ill Adm Code 330)	6/6/97	21 Ill Reg 6770
1/7/98	Department of Public Health, Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300)	6/6/97	21 Ill Reg 6786
1/7/98	Department of Public Health, Ambulatory Surgical Treatment Center Licensing Requirements (77 Ill Adm Code 205)	7/25/97	21 Ill Reg 9720
1/7/98	Department of Public Health, Head and Spinal Cord Injury Code (77 Ill Adm Code 550)	8/15/97	21 Ill Reg 11416

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

1/7/98	Department of Public Health, Violent Injury Reporting Code (77 Ill Adm Code 560)	8/15/97 21 Ill Reg 11482	12/16/97
--------	--	-----------------------------	----------

PROCLAMATIONS

97-614

ADOPTION AWARENESS MONTH

Whereas, adoption is a rewarding and enriching experience for all involved; and

Whereas, an adoptive family provides a child with a stable, loving home; and

Whereas, 400 children are currently awaiting adoption in our state, and among them are African-American children of all ages, Caucasian and Latino youngsters, primarily of school age, brothers and sisters who want to be adopted together into the same family, and children with special medical, emotional or educational needs; and

Whereas, the Illinois Department of Children and Family Services; One Church, One Child; the Child Care Association of Illinois; the Adoption Information Center of Illinois; the Village Investment Project; the Illinois Adoptive Parent Organization; and the many Illinois adoptive parent groups encourage all families to consider adopting a child in need of a home; and

Whereas, to draw attention to Illinois' waiting children and the need for adoptive families, several activities will be held during November; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1997 as ADOPTION AWARENESS MONTH in Illinois.

Issued by the Governor October 24, 1997.

Filed by the Secretary of State November 3, 1997.

97-615

AMERICAN CROATIAN WAUKEGAN TAMBURITZANS DAY

Whereas, the American Croatian Waukegan Tamburitizens was founded in 1972 and is a member of the Croatian Fraternal Union of America; and

Whereas, in honor of the 25th anniversary, the American Croatian Waukegan Tamburitizens organization will celebrate with a concert and banquet at the American Croatian Cultural Center in Waukegan; and

Whereas, the American Croatian Waukegan Tamburitizens sponsors music and dance groups, and are to be commended for promoting the rich Croatian heritage, culture and tradition; and

Whereas, Donald R. Weakley, President of the American Croatian Culture Center and the organization, hosted the 1996 grand opening of the new American Croatian Culture Center of Waukegan with dignitaries in attendance;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 22, 1997, as AMERICAN CROATIAN WAUKEGAN TAMBURITZANS DAY in Illinois.

Issued by the Governor October 24, 1997.

Filed by the Secretary of State November 3, 1997.

97-616

CROATIAN CATHOLIC MISSION DAYS

Whereas, November 8, 1997, is the 25th anniversary of the Croatian Catholic Mission located on Ridge Avenue in Chicago, Illinois; and

Whereas, in honor of the 25th anniversary of the Croatian Catholic Mission, the pastor, Rev. Nick Dugandzic, will concelebrate mass on November 9,

1997, and there will be the banquet at the Croatian Cultural Center on November 8, 1997; and

Whereas, the Mission is the spiritual, cultural and social center for Croatians on Chicago's North Side; and

Whereas, the Mission's work with youth includes cosponsoring the Croatian School for students from kindergarten to 5th grade to learn their language and history; and

Whereas, the Mission promotes Croatian heritage, culture, tradition and cosponsors the Croatian folklore group "The Croatian Vines;" and

Whereas, the charitable work of the Mission serves all ages including "The Croatian Vines" performing at convalescent homes;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 8-9, 1997, as CROATIAN CATHOLIC MISSION DAYS in Illinois.

Issued by the Governor October 24, 1997.

Filed by the Secretary of State November 3, 1997.

97-617

HEPATITIS C AWARENESS MONTH

Whereas, nearly four million Americans are chronically infected with hepatitis C; and

Whereas, 85 percent of all Americans infected with the hepatitis C virus become chronically ill and develop cirrhosis and liver cancer; and

Whereas, the National Institute of Health has determined chronic viral hepatitis C to be a major public health issue; and

Whereas, in the absence of a vaccine, emphasis must be placed on the other means of disease prevention; and

Whereas, the Chicago Chapter for the American Liver Foundation is dedicated to fully informing the public about hepatitis C; and

Whereas, on a national level, the American Liver Foundation recently held its Third Annual Conference in the nation's capitol. An entire day was devoted to lobbying on Capitol Hill for increased funds for research, education and awareness for liver diseases and organ and tissue donation; and

Whereas, educating Americans about hepatitis C can help prevent its spreading;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1997 as HEPATITIS C AWARENESS MONTH in Illinois, and urge all citizens to become familiar with the causes, symptoms and the prevention tactics for this devastating disease.

Issued by the Governor October 24, 1997.

Filed by the Secretary of State November 3, 1997.

97-618

TERI THEIS AND TIM HAEFER CONGRATULATED

Whereas, Teri Hayes Theis is the daughter of Margaret and Peter Theis of Bloomington, Illinois; and

Whereas, Timothy Daniel Haefter is the son of Margaret and Leslie Haefter of Reedsburg, Wisconsin; and

Whereas, Teri and Tim met at a wedding they were both attending several years ago in Holland, Michigan; and

Whereas, Teri is a graduate of Illinois State University and is employed as a computer software sales representative; and

Whereas, Tim is a graduate of the University of Wisconsin in Whitewater and is employed as a Certified Public Accountant; and

Whereas, Teri Theis and Tim Haefter will be married on November 8, 1997, at the Holy Trinity Church in Bloomington, Illinois; and

Whereas, Teri and Tim will reside in Chicago Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend best wishes and sincere congratulations on this special day to Teri and Tim.

Issued by the Governor October 24, 1997.

Filed by the Secretary of State November 3, 1997.

97-619

ARNOLD F. KARR CONGRATULATED

Whereas, Arnold F. Karr, President of the Hotel-Motel Association of Illinois, has dedicated over 30 years to the hospitality, convention and tourism industry of Illinois; and

Whereas, Mr. Karr joined the Greater Chicago Hotel and Motel Association, which resulted in the creation of the Hotel-Motel Association of Illinois, where he assumed the position of Executive Director and became President in 1990; and

Whereas, Mr. Karr is an ardent supporter of educational programs for hotel employees. His leadership resulted in the formation of the HMAI Education Foundation, which offers scholarships to students aspiring towards a career in the hospitality industry; and

Whereas, Mr. Karr has untiringly served many organizations in the industry, the educational field, tourism and professional associations; and

Whereas, Mr. Karr is also currently a director of the Chicago Convention and Tourism Bureau and executive director of the Hotel Employers Relations Association. He has served on the Illinois Tourism Advisory Committee, as delegate to the White House Conference on Travel and Tourism, as President of the International Society of Hotel Association Executives, as member of the Board of Directors of the American Hotel and Motel Association, as director of the American Hotel Directory Association, as trustee for the Educational Institute of the AH&MA and as chairman of the Illinois Travel And Tourism Association; and

Whereas, Mr. Karr is now retiring from his position as President of the HMAI after these many years of service and numerous accomplishments;

Therefore, I, Jim Edgar, Governor of the State of Illinois, congratulate Arnold F. Karr, of Northfield, Illinois, for his lifetime of achievements and honor him as one of the most important persons who has helped improve the hospitality, convention and tourism industry of Illinois.

Issued by the Governor October 27, 1997.

Filed by the Secretary of State November 3, 1997.

97-620

BRIDGES ACROSS THE ATLANTIC WEEK

Whereas, Bridges Across the Atlantic is a cultural exchange, humanitarian aid, non-profit organization; and

Whereas, the staff of volunteers collect and distribute donations of medical supplies to eastern Europe and China. Over 100 tons of supplies have been successfully distributed; and

Whereas, Bridges Across the Atlantic has sponsored high school student group donations trips to Russia, Poland and the Czech Republic; and

Whereas, Bridges Across the Atlantic have sponsored exchange students and pediatric specialists for study in Chicago, as well as children for special medical procedures. The organization also donates art supplies to children around the world and produces exhibits of the children's art; and

Whereas, the Governor's Office of Ethnic Affairs will sponsor an exhibit at the James R. Thompson Center in honor of Bridges Across the Atlantic Week;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 23-29, 1997, as BRIDGES ACROSS THE ATLANTIC WEEK in Illinois.

Issued by the Governor October 27, 1997.

Filed by the Secretary of State November 3, 1997.

97-621

FOUNDRY EDUCATIONAL FOUNDATION DAYS

Whereas, Foundry Educational Foundation (FEF), incorporated on February 18, 1947, in Cleveland, Ohio, was established by leaders of the metalcasting industry as an independent extension of metalcasting educational programs at colleges and universities across the country, with the objective of attracting top quality men and women to the industry; and

Whereas, the FEF endowment has grown through the years and continues to use primarily interest income to support metalcasting students through scholarships and metalcasting curricula at universities across the country through sponsorship of FEF "Key Professors" at each affiliated university; and

Whereas, FEF is affiliated with 29 colleges across the country, including Bradley University in Peoria. Other schools affiliated in the past include, Illinois Institute of Technology, University of Illinois, Loyola University, Northern Illinois, Northwestern and Southern Illinois; and

Whereas, there are about 200 foundries in Illinois: nearly 170 are commercial foundries while the others are captive foundries; and

Whereas, Illinois employs between 14,000 and 15,000 foundry personnel; and

Whereas, over \$300,000 is awarded to students and "Key Professors" every year. FEF scholarships are very competitive on college campuses, often serving as the model for other scholarship programs; and

Whereas, FEF boasts an excellent track record in attracting students to the industry. Each year at least 78 percent of FEF scholarship holders find positions in the metalcasting industry. In its 50 year history, FEF-affiliated Illinois schools have graduated more than 2,700 students, many of whom received financial aid from FEF; and

Whereas, Illinois is where the FEF's only office is located, worldwide; and

Whereas, FEF will be sponsoring its 50th Annual College Industry Conference in Chicago on November 6-8, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 6-8, 1997, as FOUNDRY EDUCATIONAL FOUNDATION DAYS in Illinois.

Issued by the Governor October 27, 1997.

Filed by the Secretary of State November 3, 1997.

97-622

HELLENIC BAR ASSOCIATION DAY

Whereas, the Hellenic Bar Association was founded by a group of Greek attorneys in February 1951 to advocate and uphold the ideal of equal rights of mankind; and

Whereas, the Hellenic Bar Association will hold the 47th Annual Installation Dinner Dance and Scholarship Ball on Saturday, November 8, 1997, at Hotel Sofitel; and

Whereas, President Evan James Mammias, announced the Hellenic Bar Association is honoring Mr. Louis G. Apostol as "Hellenic of the Year" for his years of service to the Chicago area and his work for the Greek-American community; and

Whereas, the Chairman of Dinner Dance, Daniel N. Christus, has announced there will be a presentation of scholarships to deserving young law students of Greek decent; and

Whereas, the Honorable Judge Charles P. Kocoras will install the 1997/1998 officers and directors;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 8, 1997, as HELLENIC BAR ASSOCIATION DAY in Illinois.

Issued by the Governor October 27, 1997.

Filed by the Secretary of State November 3, 1997.

97-623

INTERNATIONAL DAY

Whereas, the International Student Association at the University of Illinois at Springfield is celebrating its 20th anniversary of cultural, social, and educational contributions to the community; and

Whereas, the University of Illinois at Springfield has international student representation from 45 countries, adding depth and dimension to the academic and cultural life of both the campus and Illinois communities; and

Whereas, the International Student Association is sponsoring the "20th Annual International Celebration" November 9, which will offer cultural exhibitions, activities, and cuisine; and

Whereas, the broad and meaningful experience the international students have by being in the State of Illinois widens their understanding of our nation and also gives our residents a better awareness and expanded knowledge of the cultural, social, and human opportunities of the home countries of the students;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 9, 1997, as INTERNATIONAL DAY in Illinois.

Issued by the Governor October 27, 1997.

Filed by the Secretary of State November 3, 1997.

97-624

NORWEGIAN AMERICAN CHAMBER OF COMMERCE DAYS

Whereas, representatives from 11 chapters (U.S. and Oslo) of the Norwegian

American Chamber of Commerce, Inc. will be convening for their Annual Meeting at The Gleacher Center of the University of Chicago at the Sheraton Chicago Hotel and Towers, November 6-8, 1997; and

Whereas, "The purpose of the NACC is to promote trade and goodwill and to foster business, financial and professional interests between Norway and the United States of America, to advance common purposes of its member and to facilitate contacts among its members;" and

Whereas, Ambassador Tom Eric Vraalsen will lead the Norwegian diplomatic delegation to the United States in attendance at this Annual Meeting; and

Whereas, the NACC as part of this Annual Meeting will present a public business conference, "Trend Setting Design from Norway," featuring new Norwegian designs for the home and business place;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 6-8, 1997, as NORWEGIAN AMERICAN CHAMBER OF COMMERCE DAYS in Illinois.

Issued by the Governor October 27, 1997.

Filed by the Secretary of State November 3, 1997.

97-625

SPINAL MUSCULAR ATROPHY AWARENESS DAY

Whereas, Spinal Muscular Atrophy (SMA) is a genetic neuromuscular disease which causes weakening and wasting of the body's muscles; and

Whereas, in the more benign forms of SMA, children most likely face a life in a wheelchair; in its most severe forms, SMA is the number-one genetic cause of death in children under the age of two; and

Whereas, SMA affects some 20,000 Americans; and

Whereas, "Andrew's Buddies", a national, non-profit organization dedicated solely to finding a cure for SMA, was founded by the parents of Andrew Slay, an 11-year old boy who is fighting SMA; and

Whereas, in recent years, exciting breakthroughs have been possible through the more than \$500,000 raised for medical research by "Andrew's Buddies"; and

Whereas, Terry and Deanna Griffin have organized "Andrew's Buddies of Illinois" as a chapter for local fundraising after their daughter, Courtney, was diagnosed with Spinal Muscular Atrophy; and

Whereas, "Pumpkin SMASH" will be held on Halloween night as a fund-raiser for the fight against SMA;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 31, 1997, as SPINAL MUSCULAR ATROPHY AWARENESS DAY in Illinois.

Issued by the Governor October 27, 1997.

Filed by the Secretary of State November 3, 1997.

97-626

ADMISSION OF POLAND TO THE NORTH ATLANTIC TREATY ORGANIZATION SUPPORTED

Whereas, the Republic of Poland is a free, democratic and independent nation with a long and proud history; and

Whereas, the North Atlantic Treaty Organization is dedicated to the preservation of freedom and security of its member nations; and

Whereas, the Republic of Poland desires to share in both the benefits and

obligations of NATO in pursuing the development, growth, and promotion of democratic institutions and ensuring free market economic development; and

Whereas, Poland recognizes its responsibilities as a democratic nation and wishes to exercise such responsibilities in concert with members of NATO;

Whereas, the Republic of Poland desires to become part of NATO's efforts to prevent the extremes of nationalism; and

Whereas, the security of the United States is dependent upon the stability of central Europe;

Therefore, I, Jim Edgar, Governor of the State of Illinois support THE ADMISSION OF POLAND TO THE NORTH ATLANTIC TREATY ORGANIZATION.

Issued by the Governor October 28, 1997.

Filed by the Secretary of State November 3, 1997.

97-627

CRITICAL CARE NURSE WEEK

Whereas, Critical Care Nurses are registered professional nurses who give critically ill patients optimal care through their individual professional accountability, thorough knowledge of the interrelatedness of body systems, and appreciation of the collaborative role of members of the health care team; and

Whereas, the American Association of Critical Care Nurses (AACN) was established in 1969 to assist members of this profession in keeping abreast of the technical advancements of the critical care environment; and

Whereas, AACN currently has more than 76,000 members nationwide, including more than 3,500 in Illinois; and

Whereas, in addition to basic preparation, critical care nurses must have advance knowledge of the psychosocial, physiological, and therapeutic components specific to the care of the critically ill. The CCRN Certification, obtained only after passing a comprehensive examination and acquiring professional experience, is the national recognition of professional proficiency in critical care nursing;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 8-14, 1998, as CRITICAL CARE NURSE WEEK in Illinois.

Issued by the Governor October 28, 1997.

Filed by the Secretary of State November 3, 1997.

97-628

ROCK ISLAND PUBLIC LIBRARY DAY

Whereas, public libraries in Illinois play an important role in the education of Illinois children and all of the citizens of Illinois; and

Whereas, public libraries are cornerstones in a community for learning, reading and public discourse; and

Whereas, the State of Illinois takes pleasure in recognizing the outstanding contributions of Illinois' finest institutions; and

Whereas, the Rock Island Public Library is one of the state's oldest and most distinguished institutions; and

Whereas, the Rock Island Public Library officially became the first free library in the State of Illinois on November 25, 1872, housing 12,546 volumes upon its opening; and

Whereas, the Rock Island Public Library will begin a year-long celebration of its 125th Anniversary in October 1997; and

Whereas, the 125th Anniversary celebration event will be held on November 11, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 11, 1997, as ROCK ISLAND PUBLIC LIBRARY DAY in Illinois.

Issued by the Governor October 28, 1997.

Filed by the Secretary of State November 3, 1997.

97-629

BETTY WILLIAMS APPRECIATION DAY

Whereas, Betty Williams has demonstrated her commitment to families and clients served by Metropolitan Family Services through her years of service as Director of Social Policy, and more recently, as Senior Vice-President; and

Whereas, Betty Williams worked to create family-friendly policies by helping initiate the Illinois Family Policy Council and serving as Chair of the council; and

Whereas, Betty Williams worked to establish a future vision for strong and self-sufficient families through her years of dedicated efforts as a Board Member and past President of the Illinois Association of Family Service Agencies; and

Whereas, Betty Williams has exemplified the finest ethics and values of human service practice; and

Whereas, Betty Williams has ably and honorably served her agency, her community, and the families of Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 6, 1997, as BETTY WILLIAMS APPRECIATION DAY in Illinois, honoring her for outstanding leadership in the field of human services, and in particular, families.

Issued by the Governor October 29, 1997.

Filed by the Secretary of State November 3, 1997.

97-630

FUTURE AND OPTIONS WEEK

Whereas, the City of Chicago is the world leader in futures and options trading; and

Whereas, Chicago has been a center of futures and options trading almost since the city's founding; and

Whereas, Chicago was the birthplace of financial futures and options, which have helped to transform the global economy; and

Whereas, today, Chicago's futures and options exchanges are powerful engines of economic growth, attracting millions of dollars in capital to Illinois and providing thousands of jobs; and

Whereas, Chicago's futures and options exchanges contribute immeasurably to Illinois' reputation as a global financial center; and

Whereas, the Futures Industry Association, a professional group representing the futures and options industry, for the 13th consecutive year will hold its "Futures and Options Expo '97" in Chicago, Illinois, during the week of November 3, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 3-7, 1997, as FUTURES AND OPTIONS WEEK in Illinois.

Issued by the Governor October 29, 1997.

Filed by the Secretary of State November 3, 1997.

97-631

HIGH TECHNOLOGY WEEK

Whereas, Governor Edgar and the State of Illinois support the creation of a climate for business to grow and thrive so that Illinois citizens will enjoy more jobs, better pay, and a strong and expanding economy; and

Whereas, technology companies in Illinois, which employ about 335,000 people, are among the most important businesses in the state; and

Whereas, there are nearly 1,500 computer companies in the greater Chicago area, lending credence to Illinois' leadership role and driving force behind the rising high technology economy in the Midwest; and

Whereas, the transfer of modern technologies to Illinois' 25,000 manufacturers, 75 percent of which employ 20 persons or fewer, is vital to their ability to retain and create well-paying jobs; and

Whereas, the State of Illinois understands the value of technology entrepreneurs in our state's economy and applauds KPMG Peat Marwick LLP for recognizing the contributions of these entrepreneurs by sponsoring its annual High Tech Awards ceremony, which will be held on November 24, 1997; and

Whereas, KPMG, one of the world's largest professional service firms, established the awards in 1984 to encourage high technology growth in Illinois by publicizing local entrepreneurs and their success stories, to encourage other business professionals to take advantage of the countless resources available locally and to strengthen the sound business climate that already exists; and

Whereas, Illinois is recognized nationally for its renowned research institutes and universities including the Fermi National Accelerator Laboratory, University of Illinois, Northwestern University, Illinois Institute of Technology, University of Chicago and Argonne National Laboratory;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 23-29, 1997, as HIGH TECHNOLOGY WEEK in Illinois and welcome all citizens to participate in this significant event and applaud the efforts and hard work of these entrepreneurs.

Issued by the Governor October 29, 1997.

Filed by the Secretary of State November 3, 1997.

97-632

HOME CARE MONTH

Whereas, home care is the oldest and most humane tradition of health service delivery in the United States, enabling the ill and disabled to receive high quality medical assistance and retain a sense of dignity and independence in the comfort and security of their own homes; and

Whereas, home care in the United States is a growing alternative to hospitalization for acute and chronic illnesses, with an estimated expenditure of \$30 billion for services to more than seven million Americans; and

Whereas, thousands of hardworking men and women, in association with more

than 18,850 home care agencies, unite caring and modern technology by providing cost-effective home health care services that stimulate quicker and fuller recoveries and improvements than institutional care; and

Whereas, these dedicated home care professionals and volunteers form a network of caring support in our nation's vast health care system and are deserving of special honor and appreciation for their many contributions; and

Whereas, the National Association for Home Care and more than 18,850 home care agencies have declared the month of November 1997 as National Home Care Month and are calling upon all Americans to observe this occasion with appropriate ceremonies and activities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1997 as HOME CARE MONTH in Illinois.

Issued by the Governor October 29, 1997.

Filed by the Secretary of State November 3, 1997.

97-633

LADIES AUXILIARY OF THE POLISH MUSEUM OF AMERICA DAY

Whereas, the Ladies Auxiliary of the Polish Museum of America was organized in 1972 by Polish Roman Catholic Union of America Vice President Stella M. Novak; and

Whereas, Edward Dykla is the President of the Polish Museum of America, which is located in the National Building of the Polish Roman Catholic Union of America in Chicago; and

Whereas, the Ladies Auxiliary of the Polish Museum of America was organized to support the programs of the Museum in order to preserve the rich legacy of the Polish nation; and

Whereas, the Ladies Auxiliary of the Polish Museum of America was founded to promulgate the contributions of Polish descendants to America; and

Whereas, the Ladies Auxiliary of the Polish Museum of America gives financial support and needed equipment to the Museum; and

Whereas, Stephanie Jagielski, the President of the Ladies Auxiliary of the Polish Museum of America has announced that the 26th Anniversary celebration will be held at the Dinner Theater Party in the Drury Lane Martinique in Evergreen Park on November 9, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 9, 1997, as THE LADIES AUXILIARY OF THE POLISH MUSEUM OF AMERICA DAY in Illinois.

Issued by the Governor October 29, 1997.

Filed by the Secretary of State November 3, 1997.

97-634

VETERANS FOR A CHANGE DAY

Whereas, the West Lincoln-Broadwell School has successfully and creatively taught children about veterans and the sacrifices veterans have made for their nation and communities; and

Whereas, the students of West Lincoln-Broadwell School have raised money for the federal veteran facility in Danville and the state veteran home in Quincy; and

Whereas, the Veterans for a Change program has been a cooperative effort

among the West Lincoln-Broadwell school students, teachers, and parents; veterans organizations and veterans; the Illinois Air and Army National Guard; the community of Lincoln, Illinois; the Illinois Foster Grandparent program; and many other organizations and individuals; and

Whereas, the Veterans for a Change program has been a unique and successful program for five years which has taught the students of West Lincoln-Broadwell about patriotism, history, and civic responsibility; and

Whereas, it is appropriate that we set aside a day acknowledging the past success of the Veterans for a Change program at the West Lincoln-Broadwell School in Lincoln, Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 31, 1997, as VETERANS FOR A CHANGE DAY in Illinois.

Issued by the Governor October 29, 1997.

Filed by the Secretary of State November 3, 1997.

97-635

ECUMENICAL PATRIARCH BARTHOLOMEW OF CONSTANTINOPLE DAY

Whereas, the Orthodox community in Illinois is celebrating the pontifical visit of His All-Holiness Ecumenical Patriarch Bartholomew; and

Whereas, Ecumenical Patriarch Bartholomew of Constantinople, the spiritual leader of the world's 300 million Orthodox Christians, comes to Chicago for three days from November 1-3; and

Whereas, the United States is home to 5 million members of the Orthodox faith, and Chicago is home to 500,000 members of the Orthodox faith; and

Whereas, Ecumenical Patriarch Bartholomew is of Greek descent but a Turkish citizen, born on the Aegean island of Imvros, Turkey. He was just 51 years old when in 1991 he was elected ecumenical patriarch; and

Whereas, Ecumenical Patriarch Bartholomew is distinguished for his work, commitment and selfless service for the betterment of mankind. His All-Holiness holds a doctorate in canon law and is fluent in seven languages: Greek, English, Turkish, Italian, Latin, French and German; and

Whereas, Ecumenical Patriarch Bartholomew will open a dialogue with Illinoisans on matters of national and global concern, particularly human rights, religious freedom and the protection of the environment;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 1, 1997, as ECUMENICAL PATRIARCH BARTHOLOMEW OF CONSTANTINOPLE DAY in Illinois.

Issued by the Governor October 30, 1997.

Filed by the Secretary of State November 7, 1997.

97-636

POLISH AMERICAN ASSOCIATION DAY

Whereas, the Polish American Association was founded in 1922, as Polish Welfare Association, by Members of the Chicago Society of the Polish National Alliance, all leading citizens of Chicago who were active in politics, government, business or education; and

Whereas, the Polish American Association is a Polish bilingual, comprehensive human resources agency and impacts Chicago's second largest immigrant group through 34 programs; and

Whereas, the mission of the Polish American Association is to improve the well-being of individuals and to strengthen the community; and
Whereas, the Polish American Association will present its 1997 Presidential Award to its founder, the Chicago Society of the Polish National Alliance, which has served the community since 1912; and

Whereas, the Chicago Society's purpose is to promote the welfare of the community and its posterity by advancing its civic, economical and educational development;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 5, 1997, as POLISH AMERICAN ASSOCIATION DAY in Illinois.

Issued by the Governor October 30, 1997.

Filed by the Secretary of State November 7, 1997.

97-637

CINDERELLA/PRINCE CHARMING BALL DAY

Whereas, the Cinderella/Prince Charming Ball was organized in November 1972 by a group of dedicated men and women under the leadership of Mrs. Regina Owieja; and

Whereas, over 500 young men and women have benefited over the years through this program and scholarships; and

Whereas, young men and women of high school age are taught formal and ethnic dance and Polish tradition; and

Whereas, the Cinderella/Prince Charming Ball is supported by the Polish Roman Catholic Union of America. Edward G. Dykła serves as President, and Dolores Spejewski as Resident Vice President; and

Whereas, the Cinderella/Prince Charming Ball is also supported by M. Konopnicka Adult Culture Group. Edward Muszalski serves as President and Michaline and Richard Jaminski are Choreographers/Instructors; and
Whereas, the Governor's Office of Ethnic Affairs will sponsor an exhibit in the James R. Thompson Center in honor of the M. Konopnicka Adult Culture Group on December 15-19, 1997; and

Whereas, the Cinderella/Prince Charming Ball will have its 26th Annual Event at the Lexington House on November 22, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 22, 1997, as CINDERELLA/PRINCE CHARMING BALL DAY in Illinois.

Issued by the Governor November 3, 1997.

Filed by the Secretary of State November 7, 1997.

97-638

GRAY RIBBON FOR DIABETES DAY

Whereas, more than 16 million Americans have diabetes, an incurable disease that impairs the body's ability to convert food sugar into energy; and
Whereas, more than 610,000 Illinois residents have diabetes and more than half of those residents are undiagnosed; and

Whereas, diabetes is the fourth-leading cause of death by disease in the United States and the seventh leading cause of death among Illinois residents; and

Whereas, in this year alone, more than 625,000 Americans will develop diabetes and 178,000 will die from it, including a disproportionate number of

Hispanic Americans, African Americans, and Native Americans; and
Whereas, people with diabetes have a high risk of developing serious complications, such as blindness, kidney disease, heart attack, and stroke; and
Whereas, an increase in community awareness of diabetes, new research findings, and the American Diabetes Association may stimulate public action in increasing research toward a cure and spur individual awareness about who is susceptible to diabetes before they are confronted with one of its complications, which may inspire people who have diabetes to take better control and live a healthier life; and

Whereas, across the country and around the world, a small gray ribbon is raising awareness of diabetes. Launched in December 1996 by a group of people with diabetes and their families who met on a computer network, the Silver-Gray Ribbon is a symbol of the need for increased public awareness of diabetes;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 13, 1997, as GRAY RIBBON FOR DIABETES DAY in Illinois.

Issued by the Governor November 3, 1997.

Filed by the Secretary of State November 7, 1997.

97-639

PARALYZED VETERANS RECOGNITION DAY

Whereas, America would not be the great, free nation it is today if it were not for the citizens who came to its defense in times of conflict; and
Whereas, none who serve their country ever forget the experience, but some made sacrifices that forever altered their lives; and

Whereas, special events are being observed at this time to recognize the men and women who have served in the Armed Forces and experienced paralysis;

Whereas, in Illinois, the Vaughan Chapter of the Paralyzed Veterans of America is holding a celebration at Hines Medical Center in conjunction with the national observance;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 14, 1997, as PARALYZED VETERANS RECOGNITION DAY in Illinois, and urge all citizens to remember those who have served our country and suffered irreparable harm and recognize them at this time.

Issued by the Governor November 3, 1997.

Filed by the Secretary of State November 7, 1997.

97-640

ROTC APPRECIATION DAY

Whereas, ROTC has been offering military instruction to students since the early 19th century; and

Whereas, ROTC trained officers have served their nation faithfully in peacetime and war since the Civil War; and

Whereas, ROTC has provided thousands of individuals with the opportunity to attend higher education through its scholarship program; and
Whereas, ROTC has a long tradition of developing some of the finest leaders of our nation and state; and

Whereas, ROTC is presently the largest source of officers for the United States Armed Forces; and

Whereas, it is appropriate that we set aside a day acknowledging the past success of ROTC;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 12, 1997, as ROTC APPRECIATION DAY in Illinois.

Issued by the Governor November 3, 1997.

Filed by the Secretary of State November 7, 1997.

97-641

VETERANS DAY

Whereas, the men and women who have served in the Armed Forces of the United States of America have made major contributions toward the preservation of the freedom of this nation and its people; and

Whereas, the services performed by these millions of gallant Americans have demonstrated the willingness of our nation and its people; and

Whereas, the Congress of the United States of America has designated the 11th day of November of each year as Veterans Day; and

Whereas, Veterans Day has become a significant part of our national heritage as we recognize the important contributions of the millions of our citizens whose military service has had a profound effect on history; and

Whereas, the unselfishness of all those who served in the United States Armed Forces is a quality for which we are all grateful; and

Whereas, all servicemen and women are invited to wear their service hats this Veterans Day and on all future Veterans Days to honor their fellow servicemen and women who gave their lives to preserve the freedom we now enjoy;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 11, 1997, as VETERANS DAY in Illinois in conjunction with the national observance. I ask that the day be observed with appropriate ceremonies in honor of those who have served the national purpose to preserve the principles of justice, freedom, and democracy.

Issued by the Governor November 3, 1997.

Filed by the Secretary of State November 7, 1997.

97-642

GERALD "RED" DWYER DAY

Whereas, the Dwyer family has been associated with the old and new St. Patrick Parish since the early 1850's; and

Whereas, Gerald "Red" Dwyer attended elementary school at St. Patrick Academy, Oakley and Washington Boulevard, where he was taught by the Sisters of Mercy; and

Whereas, Gerald "Red" Dwyer attended high school at Old St. Patrick High, where he graduated in 1950; and

Whereas, "Red," who lived in the shadows of the great St. Mel High, attended Old St. Patrick High because of his family's commitment to the parish and the school; and

Whereas, "Red" served his country in the Korean War after high school; and

Whereas, Gerald "Red" Dwyer served as apprentice, journeyman, foreman, superintendent, and shop owner in the plumbing field, from which he retired after 40 years; and

Whereas, this "active retirement" means a steady schedule of service to

his church, his community, Irish heritage societies, and to people in need everywhere; and

Whereas, Gerald "Red" Dwyer will be inducted into the St. Patrick High School Hall of Fame on November 7, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 7, 1997, as GERALD "RED" DWYER DAY in Illinois.

Issued by the Governor November 4, 1997.

Filed by the Secretary of State November 7, 1997.

97-643

CHICAGO WOMEN'S GOLF CLUB DAY

Whereas, The Chicago Women's Golf Club was organized in 1937 by five ladies with a vision and a dream; and

Whereas, golf serves as a positive way to contribute to community development physically, mentally, emotionally and socially; and

Whereas, in 60 years the organization has grown from the original five ladies to more than 55 dedicated members and 50 children, ages 8-17; and

Whereas, The Chicago Women's Golf Club sponsors lessons, tournaments and award programs in order to promote alternatives to gang activity and with a mission to teach children the values of fair play and sportsmanship; and

Whereas, The Chicago Women's Golf Club teaches golf to senior citizens and community residents in the area; and

Whereas, The Chicago Women's Golf Club provides funds, clothing, toys and time to a battered women's shelter and organizations helping neglected and abused children; and

Whereas, The Chicago Women's Golf Club works closely with the local police department as a neighborhood watch team to help keep drugs off the street;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 22, 1997, as THE CHICAGO WOMEN'S GOLF CLUB DAY in Illinois.

Issued by the Governor November 5, 1997.

Filed by the Secretary of State November 7, 1997.

97-644

ILLINOIS LST ASSOCIATION DAY

Whereas, as members of the United States Navy and Coast Guard, many men served aboard Landing Ship Tanks (LSTs); and

Whereas, the first LST was built 55 years ago; and

Whereas, of the 1,051 LSTs that were built, 700 were built on the Ohio and Illinois Rivers; and

Whereas, these ships were capable of delivering 400 Army men or Marines directly on an invasion beach along with their tanks, trucks, artillery and all necessary equipment; and

Whereas, the men who manned the LSTs were awarded special amphibious arm patches to wear; and

Whereas, along with the National LST Association, Illinois has a branch with 260 active members; and

Whereas, the Illinois LST Association is a non-profit organization that is involved in many community activities which include scholarships awarded to high school seniors, visits to Veterans Homes, and other donations; and

Whereas, on Veterans Day, November 11, 1997, the Illinois LST Association will dedicate a monument at the Rock Island Arsenal Veterans Cemetery; and
Whereas, this monument will honor all those who have served aboard LSTs from World War II to the present;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 11, 1997, as ILLINOIS LST ASSOCIATION DAY in conjunction with VETERANS DAY in Illinois.

Issued by the Governor November 5, 1997.

Filed by the Secretary of State November 7, 1997.

97-645

MAKE-A-WISH WEEK

Whereas, the Make-A-Wish Foundation of Northern Illinois, the Make-A-Wish Foundation of Central Illinois and the Make-A-Wish Foundation of Metro St. Louis (Make-A-Wish Chapters) are affiliated with Make-A-Wish Foundation of America (MAWFA), the largest and oldest wish-granting organization in the world; and

Whereas, Make-A-Wish grants the wishes of children between the ages of two and one-half and 18 who suffer from life threatening illnesses; and

Whereas, each of these Make-A-Wish Chapters is a separately incorporated agency in the State of Illinois and each serves the needs of deserving Illinois children; and

Whereas, Make-A-Wish grants approximately 350 wishes annually to Illinois children and MAWFA and its affiliates have granted over 50,000 wishes since 1980; and

Whereas, we recognize Make-A-Wish's past and future efforts in granting the wishes of all children with life threatening illnesses who live in Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 1-7, 1997, as MAKE-A-WISH WEEK in Illinois and urge all citizens to do what they can to assist this wonderful and worthwhile organization in helping our most deserving children.

Issued by the Governor November 5, 1997.

Filed by the Secretary of State November 7, 1997.

97-646

REV. DR. WILLIS A REED LOVED ONES AND FRIENDS EXTENDED CONDOLENCES

Whereas, Rev. Dr. Willis A. Reed was born in Hampton, Nebraska, on December 30, 1916, and settled in the Chicagoland area in 1934; and

Whereas, Dr. Reed attended Northern Baptist College in Chicago and graduated from Northern Baptist Theological Seminary in May 1942; and

Whereas, Dr. Reed worked with church and school youth at the North Shore Baptist Church from August 1934 through December 1939; and

Whereas, Dr. Reed served as student pastor of the First Baptist Church, Lexington, Illinois, from January 1940 to May 1942, and from June 1942 to July 1943, he served as pastor of the First Baptist Church, East Moline, Illinois; and

Whereas, Dr. Reed served as chaplain in the United States Army, in the

Pacific Ocean areas in combat with the 7th Infantry Division in the Philippine and Okinawa Campaigns from July 1943 to September 1946; and

Whereas, Dr. Reed served as pastor of the First Baptist Church, Canton, Illinois, from October 1946 to August 1956; and

Whereas, Dr. Reed began serving as pastor of the First Baptist Church, Elgin, Illinois, in September 1956; and

Whereas, the many accomplishments of Dr. Reed were honored when the United Way established the Willis A. Reed Humanitarian Award; and

Whereas, Dr. Reed married Sarah Louise Price on June 30, 1942, and was a loving father to daughter Martha (Dale) Cooper and sons Daniel (Audrey) Reed, Mark (Dorothy) Reed and John (Laura) Reed. He also was a devoted grandfather; and

Whereas, Rev. Dr. Willis A. Reed passed away on Thursday, September 4, 1997, at age 80;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend condolences to the many friends and loved ones of Rev. Dr. Willis A. Reed, who worked tirelessly and selflessly for the betterment of the quality of life for other people.

Issued by the Governor November 5, 1997.

Filed by the Secretary of State November 7, 1997.

97-647

COMMUNITY EDUCATION DAY

Whereas, education is the prerogative and responsibility of all members in the community; and

Whereas, community members and community institutions working collaboratively can improve the support systems that undergird a vital, learning community; and

Whereas, the citizens of Illinois are committed to providing learning opportunities for everyone in the community; and

Whereas, community education espouses lifelong learning and the idea that local people are in the best position to identify community needs and wants; and

Whereas, the theme of Triton College's National Community Education Day in 1997 is "Celebrating Partnerships;"

Therefore, I, Jim Edgar, Governor of the State of Illinois, do proclaim November 14, 1997, as COMMUNITY EDUCATION DAY in Illinois.

Issued by the Governor November 7, 1997.

Filed by the Secretary of State November 14, 1997.

97-648

ETHNIC MUSEUM DAY

Whereas, the Mexican Fine Arts Center Museum became the first Latino museum in the nation to be accredited, and since first opening its doors in 1987, the museum is the nation's largest and the Midwest's only Mexican museum; and

Whereas, the DuSable Museum of African-American History was founded by Dr. Margaret Burroughs in 1961 and is the first African-American Museum in the United States with a collection of over 100,000 pieces; and

Whereas, the Norwegian Norsk Museum is located in Norway, Illinois, which is the oldest Norwegian settlement in the United States; and

Whereas, Bishop Hill was established as a Swedish Communal Colony in Illinois in 1886, and now 11 of the original buildings are part of the historic site and museums; and

Whereas, the Spertus Museum, established in 1968, serves 75,000 visitors annually and its mission is to preserve and disseminate the intellectual, cultural, social and spiritual legacy of the Jewish past and demonstrate its counting relevance to the present; and

Whereas, the Polish Museum of America, established 1935, is one of the oldest and largest ethnic museums in the United States with one of the permanent collections being the renown Paderewski Room; and

Whereas, some of the Native American museums in Illinois include the John M. & Betty Seaburg Mitchell Museum of the American Indian, located in Evanston, and the Dickson Mounds State Museum in Lewiston, which presents the many Native American cultures of North America; and

Whereas, the board of directors, staff, volunteers of the museums and supporting members of the community can be commended for their dedication and commitment in preserving ethnic history and promoting ethnic heritage, tradition and culture;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 12, 1997, as ETHNIC MUSEUM DAY in Illinois.

Issued by the Governor November 7, 1997.

Filed by the Secretary of State November 14, 1997.

97-649

PHI THETA KAPPA DAY

Whereas, Phi Theta Kappa was founded in 1918 at Stephens College in Columbia, Missouri, to promote scholarship, leadership, fellowship and service among students in two-year community colleges; and

Whereas, Phi Theta Kappa is the only International Honor Society for two-year colleges with memberships extending as far as Alaska, Hawaii, Puerto Rico, Western Europe and the Canal Zone; and

Whereas, Phi Theta Kappa is a fellowship of students pursuing the ideals of scholarship, leadership and service that extends beyond a particular campus to regional and international networks; and

Whereas, Phi Theta Kappa serves to nurture the members and associates by sponsoring meetings that educate, stimulate and enrich, according international recognition to students of distinguished achievement and providing a vehicle that reflects the academic integrity of the associate degree program; and

Whereas, the theme of Phi Theta Kappa is "Family: Myth, Metaphor and Reality;" and

Whereas, on November 19, 1997, the Mu Pi Chapter of Phi Theta Kappa at Harold Washington College will host a Founder's Day Tea;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 19, 1997, as PHI THETA KAPPA FOUNDERS DAY in Illinois.

Issued by the Governor November 7, 1997.

Filed by the Secretary of State November 14, 1997.

97-650

PHI THETA KAPPA FOUNDERS DAY

Whereas, Phi Theta Kappa was founded in 1918 at Stephens College in Columbia, Missouri, to promote scholarship, leadership, and service among students in two year community colleges; and

Whereas, Phi Theta Kappa is the only International Honor Society for two-year colleges with membership expanding as far as Alaska, Hawaii, Puerto Rico, Western Europe, and the Canal Zone; and

Whereas, the theme of Phi Theta Kappa is "Family: Myth, Metaphor, and Reality;" and

Whereas, Nu of Illinois Chapter of Phi Theta Kappa is hosting a "Thanks For Giving Banquet" to honor those individuals who have given their monetary support, time and/or service to the College and to the Community; and

Whereas, the Phi Theta Kappa hug, more common than the handshake, has become a symbol of spirit and brotherly love among its members;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 21, 1997, as PHI THETA KAPPA DAY in Illinois.

Issued by the Governor November 7, 1997.

Filed by the Secretary of State November 14, 1997.

97-651

ROBERT CIESLA DAY

Whereas, Mr. Robert Ciesla was elected to the National Fraternal Congress of America Board of Directors for a three-year term in September 1997; and

Whereas, the National Fraternal Congress of America (NFCA) has been the central voice of the fraternal insurance industry, including monitoring issues and events relevant to fraternal benefit societies and serving as an information clearinghouse; and

Whereas, Mr. Ciesla graduated from DePaul University, Chicago, Illinois, in 1962, and went to Lewis University for graduate studies; and

Whereas, Mr. Ciesla is married and the proud father of three children and the foster parent of 15 children; and

Whereas, Mr. Ciesla is Chairman of the Board for the Naperville Office Park Owner's Association and the Illinois Right to Life Committee; and

Whereas, Mr. Ciesla is currently the High Chief Ranger (President) of the Catholic Order of Foresters, which is one of the most active fraternal societies, providing charitable contributions, volunteer members and other beneficial work to communities across the nation;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 12, 1997, as ROBERT CIESLA DAY in Illinois.

Issued by the Governor November 7, 1997.

Filed by the Secretary of State November 14, 1997.

97-652

DR. JAMES P. COMER DAY

Whereas, Dr. James P. Comer, M.D., M. P. H., the Maurice Falk Professor of Child Psychiatry at Yale's Child Study Center, has devoted his entire career to increasing opportunities for children and promoting child development; and

Whereas, Dr. Comer has originated the Comer School Development Program as

a systematic school reform strategy which promotes collaboration between parents, educators and community to improve social, emotional and academic outcomes for children; and

Whereas, Dr. Comer has assisted Youth Guidance in implementing the highly acclaimed Comer School Development Program in 15 schools in the City of Chicago, thus creating a school environment which is more hospitable to children and which promotes school success; and

Whereas, Dr. Comer, a prolific writer and scholar who has authored five previous books and more than 500 articles, has released his latest book, *Waiting for a Miracle: Why Schools Can't Solve Our Problem-and How We Can*;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 14, 1997, as DR. JAMES P. COMER DAY in Illinois.

Issued by the Governor November 10, 1997.
Filed by the Secretary of State November 14, 1997.

97-653

DR. RICHARD WAGNER DAY

Whereas, Richard D. Wagner has been Executive Director of the Illinois Board of Higher Education since July 1, 1980; and

Whereas, Dr. Wagner has served with dedication and distinction as a member of the Board of Higher Education staff since 1969; and

Whereas, Dr. Wagner has had a truly unique ability to understand the roles and relationships of higher education and state government; and

Whereas, under his supervision, the Illinois Board of Higher Education has played a prominent role in keeping the Illinois colleges and universities among the best in the nation; and

Whereas, Dr. Wagner has been known for his leadership in the areas of accountability, service to students, taxpayers, and performance of higher education; and

Whereas, Dr. Wagner is known for his integrity, for being forthright, honest and fair in his dealings with his professional colleagues in the legislature and higher education; and

Whereas, Dr. Wagner has been recognized and honored by his colleagues from other states as a national leader in the field of higher education; and

Whereas, Dick Wagner has worked well with the members of both the Illinois General Assembly and the executive branch of state government; and

Whereas, Dick Wagner, as a native of Illinois, has always been a strong promoter of higher education, state government and the state of Illinois; and

Whereas, legislative leaders will be sponsoring a reception in honor of Dr. Richard Wagner on Thursday, November 13, 1997;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 13, 1997, as DR. RICHARD WAGNER DAY in Illinois.

Issued by the Governor November 10, 1997.

Filed by the Secretary of State November 14, 1997.

97-654

MONICA J. BRAHLER RECOGNIZED

Whereas, Monica J. Brahler, President of the Illinois Home Care Council, has dedicated many years to the home health care industry of Illinois; and

Whereas, Ms. Brahler, who earned a Bachelor of Science Degree in Psychology at Western Illinois University in Macomb, Illinois, and a Master's Degree in Social Work at St. Louis University in St. Louis, Missouri, is a Licensed Clinical Social Worker and a Certified Case Manager; and

Whereas, Ms. Brahler has worked at not-for-profit organizations since 1980 as the Executive Director of Catholic Charities of Decatur, as Assistant Chief Executive Officer and as Chief Executive Officer of Quality of Life Services, Inc., of Carbondale; and

Whereas, Ms. Brahler has also dedicated her time and efforts to further the development of home health care throughout Illinois by serving on and for the National Task Force on Medicare Home Health Reimbursement Reform, the State of Illinois Continuity of Care Organization, Illinois Social Workers in Home Care, the Rotary Club, the American Management Association, the National Association for Home Care/Forum of States, the Illinois Rural Health Association, the Case Management Society of America, and as a Volunteer to the Board of Braille Services, Inc.; and

Whereas, Ms. Brahler is now stepping down from her position, having served since 1994, as President of the Illinois Home Care Council and from her position as Chief Executive Officer of the not-for-profit, certified home health care agency Quality of Life Services, Inc. After many years of service and numerous commitments Ms. Brahler is going to begin a new professional career at Southern Illinois University in Carbondale;

Therefore, I, Jim Edgar, Governor of the State of Illinois, recognize Monica J. Brahler, of Cobden, Illinois, for her numerous achievements and commend Ms. Brahler for her dedication and hard work in helping to improve the home health care industry of Illinois.

Issued by the Governor November 10, 1997.

Filed by the Secretary of State November 14, 1997.

97-655

VOCATIONAL EDUCATION WEEK

Whereas, the Illinois Vocational Association has designated the week of February 8-14, 1998, as Vocational Education Week; and

Whereas, the theme for Vocational Education Week is "Get Your Career in Gear"; and

Whereas, vocational education supplies Illinois with a strong, well-trained work force that enhances productivity in business and industry and contributes to the state's leadership in the national and international marketplace; and

Whereas, vocational education stimulates the growth and vitality of businesses and industries by preparing workers for the occupations forecast to experience the largest and fastest growth in the next decade; and

Whereas, vocational education serves individual citizens by enabling them to find satisfying careers suited to their own skills and interests, by providing technical skills that allow them to excel in their chosen careers, and by teaching leadership skills that serve them on the job, at home, and in the community; and

Whereas, a strong vocational education program planned and carried out by trained vocational educators is vital to the future economic development of our state and the well-being of its citizens;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 8-14, 1998, as VOCATIONAL EDUCATION WEEK in Illinois and urge all citizens to become familiar with the services and benefits offered by the vocational education programs in our state and to support and participate in these programs as necessary to enhance individual work skills and productivity, Issued by the Governor November 10, 1997.
Filed by the Secretary of State November 14, 1997.

97-656

ALTHOFF CATHOLIC HIGH SCHOOL SHOW CHOIR COMMENDED

Whereas, the Althoff Catholic High School Show Choir from Belleville has been selected to represent the State of Illinois in the 1997 National Show Choir Competition in Branson, Missouri, on April 23-26, 1998; and

Whereas, under the direction of Mr. Greg Townsend, the Althoff Catholic High School Show Choir was selected to attend on the basis of superior performance ratings and recommendations from state and local music educators; and

Whereas, a successful choral performance requires a great deal of dedication, practice and self-discipline; and

Whereas, this experience will serve these young ambassadors of Illinois well as they move forward in life to confront the future challenges of college and the workplace; and

Whereas, the outstanding musical ability and dedication of this choir has brought its members a richly earned reputation for excellence, and their performance brings great credit to themselves, their families, Althoff Catholic High School, the Belleville community and the state;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend ALTHOFF CATHOLIC HIGH SCHOOL SHOW CHOIR of Belleville for being selected to participate in the 1997 National Show Choir Competition.

Issued by the Governor November 12, 1997.

Filed by the Secretary of State November 14, 1997.

97-657

AMERICAN ORT/CHICAGO CHAPTER SALUTE TO EDUCATION WEEK

Whereas, ORT is an organization which trains students in high-tech and vocational skills that prepare them to lead productive lives regardless of their religion, race, or creed, and serves 260,000 deserving students in over 60 countries worldwide; and

Whereas, the State of Illinois is home to the newest ORT school in the United States, the Zarem/Golde ORT Technical Institute of Chicago, providing immigrants from the Former Soviet Union, as well as 22 other nations, the language and computer skills necessary for them to be able to seek employment in the contemporary American workplace; and

Whereas, on November 20, 1997, on the occasion of the 75th Anniversary of American ORT in the United States, the Chicago Chapter is holding a very special celebration and presenting the Honorable Abraham Lincoln Marovitz with its Diamond Jubilee Award; and

Whereas, ORT is the largest non-governmental educational agency of its kind in the world, and this year marks the 75th Anniversary of American ORT in

the United States;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 16-22, 1997, as AMERICAN ORT/CHICAGO CHAPTER SALUTE TO EDUCATION WEEK in Illinois.

Issued by the Governor November 12, 1997.

Filed by the Secretary of State November 14, 1997.

97-658

NEIL P. IOVINO DAY

Whereas, Neil P. Iovino enlisted in the United States Marine Corps early December, 1939, and after only one month of boot camp, volunteered and was sent to Shanghai, China where he became a member of the Fourth Marines, distinguished for their remarkable record in Asiatic Duty; and

Whereas, as a member of the Fourth Marines at Olongapo Naval Base, Philippine Islands, Mr. Iovino was the first to be wounded in defense of the island which was under constant aerial bombardment by the Japanese soon after the surprise attack at Pearl Harbor; and

Whereas, Mr. Iovino, despite being seriously wounded, was forced to march in what became known as "The Death March of Bataan." Despite his condition he was reported as being the chief morale builder encouraging the others to continue onward; and

Whereas, Mr. Iovino was taken to Cabanatuan Prison Camp, where he was operated on twice by doctors, who marveled that he "pulled through" before he was returned to the United States and proper hospital treatment; and

Whereas, word trickled through Washington, from Officers and men of the Fourth Marines, about Mr. Iovino's steadfast encouragement of all, how he, despite his own severe injuries, helped nurse other casualties and provided his companions with non-stop encouragement; and

Whereas, one year later, Mr. Iovino was awarded the Silver Star, second in honor only to the Congressional Medal of Honor; and

Whereas, Mr. Iovino made a large number of appearances in behalf of the war effort throughout Chicagoland and remains active in the community as a lifetime member of the Disabled American Veterans, the American Defenders of Bataan and Corregidor and the American Legion; and

Whereas, Mr. Iovino not only distinguished himself throughout the war but has continued his patriotism for America since joining the United States Marine Corps on December 6, 1939;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 6, 1997, as NEIL P. IOVINO DAY in Illinois.

Issued by the Governor November 12, 1997.

Filed by the Secretary of State November 14, 1997.

97-659

SPECIAL SESSION OF THE 90TH GENERAL ASSEMBLY

Whereas, the State of Illinois has struggled for many years with the question of how to adequately fund our public schools; and

Whereas, I appointed a Blue Ribbon Committee in 1995, known as the Ikenberry Commission, to study education funding in the State of Illinois; and

Whereas, the Ikenberry Commission recommended the establishment of a

foundation level of funding for all public school children and determined that an adequate foundation level should be \$4,225 of revenue per student; and Whereas, the Ikenberry Commission found that an estimated 700,000 Illinois school children attended public elementary and secondary schools funded below the foundation level; and

Whereas, a bipartisan majority of the Illinois House and Senate have voted to approve a series of fundamental changes in how our public schools are funded, but such changes have not become law; and

Whereas, many of our local schools are overcrowded, aging, or crumbling, and it is important to provide a state-funded capital program to ensure safe and modern facilities for present and future generations of school children;

Therefore, pursuant to Article IV, Section 5(b) of the Illinois Constitution of 1970, I, Jim Edgar, Governor of the State of Illinois, hereby call and convene the 90th General Assembly in special session to commence at noon on December 2, 1997 to consider the following: motion to concur in Senate Amendments 1 and 3 to House Bill 452 and motion to concur in Senate Amendments 1 and 2 to House Bill 398.

Issued by the Governor November 18, 1997.

Filed by the Secretary of State November 18, 1997.

97-660

HAROLD E. HIGGINS DAY

Whereas, Harold E. (Hal) Higgins has served the Rotary Club of Chicago as its Executive Director for 31 years; and

Whereas, Harold Higgins has guided the founding Club of Rotary for nearly one-third of its existence; and

Whereas, during all of these years, he has kept records and traditions which constitute an invaluable history, not only of ROTARY/One, but also of the City of Chicago and the State of Illinois and of how its citizens have served and been served by each other through the years; and

Whereas, by faithfully keeping the dream of Rotary bright in our state, where it was born, thousands of Rotarians from the world over have come to visit the founding Club; and

Whereas, the World's First Service Club, which began in this state is now a world-wide force of 1.3 million Rotarians in 157 countries and 2,800 Clubs dedicated to making the world a better place in which to live; and Whereas, these Rotarians are united under the motto of "Service Above Self";

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 31, 1997, as HAROLD E. HIGGINS DAY in Illinois.

Issued by the Governor November 13, 1997.

Filed by the Secretary of State November 21, 1997.

97-661

ILLINOIS WOMEN'S BASKETBALL DAY

Whereas, the 1996-97 Fighting Illini Women's Basketball Team won the 1997 Big Ten Championship; and

Whereas, Coach Theresa Greutz was named the 1996-97 Women's Basketball Big Ten Coach of the Year; and

Whereas, the Fighting Illini Women's Basketball Team set the All Time Big Ten single game attendance mark with a record 16,050 fans on February 23, 1997; and

Whereas, Coach Greutz has had 498 career coaching victories; and

Whereas, in 1996, the team went undefeated in the "Huff"; and

Whereas, team member, Ashley Berggern, was named the 1996-97 Big Ten Player of the Year; and

Whereas, team members, Taula Catchings and Katie Coleman, were named to the Big Ten All Freshman Team;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 16, 1997, as ILLINOIS WOMEN'S BASKETBALL DAY in Illinois.

Issued by the Governor November 18, 1997.

Filed by the Secretary of State November 21, 1997.

97-662

FAMILY FEDERATION DAY

Whereas, just as love within the family is the cornerstone of a society, the Family Federation for World Peace and Unification (FFWPU) believes that empowering the family's moral leadership of society is fundamental to society's well-being; and

Whereas, healthy families are the foundation for healthy, well-adjusted nations because the values that promote peace in the world community are a direct extension of the values that promote peace within individual families; and

Whereas, the family is the school of love. Within it we learn about the different faces of love, as a child, as a brother or sister, as a husband or wife and as a parent. How we learn these lessons will largely determine how we relate to people in the global family and how we fulfill our roles as citizens of our nations and the world; and

Whereas, past, present and future meet in the family as traditions and ideals are passed from one generation to the next to be developed and built upon. The ideal family will establish a tradition of true love, that is, a love that is selfless and unchanging. Through such love human beings can come to know the nature of God; and

Whereas, promoting the development of such families is the central task of the Family Federation. Specifically the FFWPU promotes the responsibility of parents to care and love their children; to guide them to the highest moral, physical and intellectual standards and to protect them from abuse and exploitation. The responsibility of the husband and wife is to maintain purity in conjugal love, upholding the ideal of marital fidelity, while the responsibility of children is to love and respect their parents. A society made up of families that follow this standard has the capacity to overcome even the deepest and most pervasive social problems; and

Whereas, the Family Federation for World Peace and Unification is holding its Third World Culture and Sports Festival at Robert F. Kennedy Stadium in Washington, D.C., on Saturday, November 29, 1997; and

Whereas, 4,000 delegates from Chicago will be joining 26,000 couples from all over the United States in Washington D.C., representing 18 million couples worldwide who have re-dedicated their marriages centered on God;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

November 29, 1997, as FAMILY FEDERATION DAY in Illinois.

Issued by the Governor November 18, 1997.

Filed by the Secretary of State November 21, 1997.

97-663

FESTIVAL OF THE STATES DAYS

Whereas, the Ecumenical Singers of Monmouth, under the direction of Leo F. Ramer, will be a representative of Illinois in the 1998 National Festival of the States in Washington, D.C.; and

Whereas, the Ecumenical Singers of Monmouth will be included in a limited number of very select musical groups from each of the 50 states who will reflect and honor America's rich musical and cultural heritage in our nation's capital; and

Whereas, the Ecumenical Singers of Monmouth were selected on the basis of recommendations from state music officials, superior performance ratings and past competition results; and

Whereas, the Ecumenical Singers of Monmouth will perform in Washington, D.C. from July 2-7, 1998; and

Whereas, the Ecumenical Singers will perform for enthusiastic audiences consisting of Washington D.C. residents, tourists and veteran groups; and

Whereas, the National Festival of the States is organized by Music Celebrations International of Tempe, Arizona, a professional festival/event organizer with years of both national and international music festival expertise; and

Whereas, the goal of the organizers is to include at least one instrumental and one choral group from each of the 50 states participating in the National Festival of the States;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 2-7, 1998, as FESTIVAL OF THE STATES DAYS in Illinois.

Issued by the Governor November 18, 1997.

Filed by the Secretary of State November 21, 1997.

97-664

INTERNATIONAL HOUSEWARES WEEK

Whereas, the Board of Directors of the National Housewares Manufacturers Association has chosen Illinois for its 101st International Housewares Show; and

Whereas, Illinois has hosted the nation's premier housewares show since 1939; and

Whereas, the American housewares industry represents more than \$53.7 billion in annual retail sales and is actively involved in export activities; and

Whereas, the National Housewares Manufacturers Association's 1998 International Housewares Show is the largest US marketplace for the buying and selling of housewares products; and

Whereas, the world's largest "housewares-only" exposition brings more than 12,000 American buyers and 5,100 buyers from 104 other countries to Illinois to purchase goods from 2,000 housewares exhibitors; and

Whereas, the International Housewares Show attracts more than 60,000

people to Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim January 11-14, 1998, as INTERNATIONAL HOUSEWARES WEEK in Illinois, and welcome the International Housewares Show to our state.

Issued by the Governor November 18, 1997.

Filed by the Secretary of State November 21, 1997.

97-665

TV-TURNOFF WEEK

Whereas, studies suggest that excessive television viewing affects children negatively, leading to aggressive behavior, lower academic performance, anxiety, diminished attention spans and stereotyping; and

Whereas, Americans average more than four hours of television viewing each day, culminating in two months of nonstop TV each year; and

Whereas, a healthy lifestyle is not limited to one activity, but encompasses a wide range of interests that allow the individual the opportunity to participate, experience, learn and have fun; and

Whereas, across the nation, citizens are unplugging their televisions from April 22 to April 28 and rediscovering activities that promote a more literate, healthy, productive and well-rounded lifestyle;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 22-28, 1998, as TV-TURNOFF WEEK in Illinois.

Issued by the Governor November 18, 1997.

Filed by the Secretary of State November 21, 1997.

97-666

JOAN WALTERS DAY

Whereas, Joan Walters was appointed Director of the Illinois Department of Public Aid effective November 24, 1997; and

Whereas, Ms. Walters' career includes two decades of public service in the States of Illinois and Washington; and

Whereas, from January 1981 until October 1984, Ms. Walters was the first woman to serve as Assistant Secretary of State, overseeing the day-to-day operations of the 4,000-person office, with 21 departments and 128 facilities statewide; and

Whereas, from December 1985 until December 1990, Ms. Walters held various positions in the City of Seattle, including serving as the city's first Homeless Coordinator; and

Whereas, in January 1991, Ms. Walters became the first woman to serve as Director of the Illinois Bureau of the Budget, where she was instrumental in helping Governor Edgar achieve a major turnaround in the state's financial condition without increasing state taxes; and

Whereas, Ms. Walters played a vital role in developing fiscally responsible state budgets, which downsized state government, encouraged agencies to operate more efficiently and dedicated new resources to education and human service programs; and

Whereas, during Ms. Walters' tenure as Budget Director, Illinois was returned to fiscal stability, including an unprecedented end of fiscal year 1997 general funds balance and upgrades by two New York bond rating houses; and

Whereas, Ms. Walters is the proud mother of five children and the grandmother of three; and

Whereas, Ms. Walters' professionalism, boundless energy and unquestioned integrity make her an exceptional role model for all persons who aspire to public service;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 19, 1997, as JOAN WALTERS DAY in Illinois in honor and recognition of her years of dedicated service to the citizens of this state.

Issued by the Governor November 19, 1997.

Filed by the Secretary of State November 21, 1997.

97-667

MRS. AMAZON BROOKS DAY

Whereas, Mrs. Amazon Brooks was born on November 28, 1897; and

Whereas, Mrs. Brooks has been a long-time resident of Chicago, since moving from Mt. Bayou on May 30, 1915; and

Whereas, Mrs. Brooks is also a long-time member of Antioch Missionary Baptist Church, on Chicago's southside, where she has served her church family and community untiringly; and

Whereas, Mrs. Brooks worked for the Congress Hotel and Palmer House Hotel, where she was a general cleaning worker and a member of the individual towel service cleaning division of the hotel; and

Whereas, Mrs. Brooks recently retired from the Congress Hotel and Palmer House Hotel in 1993, at the age of 95; and

Whereas, at 100 years old, she is presently active in the following church activities and organizations: Sunday Church School, Baptist Training Union, and the Mother's Board; and

Whereas, Mrs. Brooks was birth mother to one son, and served as a surrogate mother and extended family member to many children in the community; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 28, 1997, as MRS. AMAZON BROOKS DAY in Illinois.

Issued by the Governor November 19, 1997.

Filed by the Secretary of State November 21, 1997.

Rules acted upon during the quarter of April 1 through June 30, 1997 (Issues 17-28) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. The quarterly Sections Affected Index and Cumulative Index will be published in Issue 29 (July 15); Issue 42 (October 17); and Issue 3 (January 16, 1998). Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jmatule@veggate.sos.state.il.us (Internet address).

PROPOSED

11-1411-49	77-463R-44	50-2018-44	77-845-46
17-130-44	77-465-44	50-3119-42	86-3000-45
17-810-49	77-750-42	56-2520-43	PEREMPT.
23-252-49	77-515-47	56-2770-49	8-125-45
23-451-49	77-1130-47	56-6000-47	77-290-42
	80-150-42,49	59-111-49	77-2090-43
26-100-42,46	80-310-46	68-1252-42	80-310-44,45,47
26-125-42	83-505-48	68-1270-44	89-140-42
26-216-42	86-130-42	68-1380-42	
32-360-45	89-140-42	68-1400-48	
32-406-47	89-146-42	68-1420-48	
33-183-44	89-302-48	68-1480-42	
33-703-47	89-332-45	71-400-45	
33-720-47	92-102-47	71-2005-45	
33-721-47	92-107-47	77-300-47	
33-724-47	92-171-47	77-350-47	
33-725-47	92-172-47	77-830-47	
33-728-47	92-173-47	77-1120-49	
33-733-47	92-177-47	80-150-44	
33-180-42	92-178-47	80-302-49	
41-180-42	92-179-47	80-303-49	
44-5010-47	92-180-47	86-1910-45	
47-220-42	92-441-48	89-10-49	
47-250-42	92-1205-43	89-50-47	
47-260-42	92-1710-43	89-104-47	
47-310-42	92-1720-43	89-112-49	
47-360-42	92-1730-43	89-114-49	
47-365-42	92-1740-43	89-116-49	
50-5421-48		89-117-49	
50-8100-42	ADOPTED	89-165-49	
68-1283-44	2-1975-42	89-290-46	
68-1285-48	14-130-49	89-305-46	
68-1300-45	17-685-45	89-326-49	
68-1310-44	17-2010-48	89-360-49	
68-1350-44	17-4190-48	89-428-49	
68-1470-44	23-275-45	89-434-49	
77-300-49	35-205-49		
77-330-49	35-241-49		
77-350-49	35-810-49		
77-390-49	35-811-49		

EMERGENCY

50-5421-48
77-290-42

ILLINOIS REGISTER
ADMINISTRATIVE CODE ORDER FORM

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA, MASTER CARD OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE PAYABLE TO THE "SECRETARY OF STATE".

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 PER SET.

1977-1978 1979 1980 1981 1982 1983 1984 1985 1986
1987 1988 1989 1990 1991 1992 1993 1994 1995 1996

CUMULATIVE INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

1981 1982 1983 1984 1985 1986 1987 1988 1989

SECTIONS AFFECTED INDICES TO THE ILLINOIS REGISTER @\$1.00 EACH.

1984 1985 1986 1987 1988 1989

CUMULATIVE/SECTIONS AFFECTED INDICES @\$5.00 EACH.

1990 1991 1992 1993 1994 1995 1996

BACK ISSUES OF THE ILLINOIS REGISTER (CURRENT YEAR ONLY) @\$10.00 EACH.

(VOLUME #)

(ISSUE #)

(ISSUE DATE)

ANNUAL SUBSCRIPTION TO THE ILLINOIS REGISTER @\$290.00 (52 ISSUES)

NEW RENEWAL

ANNUAL SUBSCRIPTION TO THE ILLINOIS ADMINISTRATIVE CODE ON CD-ROM; COMPLETELY UPDATED EDITION PUBLISHED QUARTERLY
@\$290.00 FOR 4 QUARTERLY EDITIONS

TOTAL AMOUNT OF ORDER: \$

CHECK VISA DISCOVER CARD #:

EXPIRATION DATE: SIGNATURE:

(IF CHANGE OF ADDRESS, PLEASE LIST BOTH THE OLD AND NEW ADDRESS:

(NAME, PLEASE TYPE OR PRINT)

(ADDRESS)

(CITY, STATE, ZIP CODE AND TELEPHONE #)

MAIL TO:

GEORGE H. RYAN
SECRETARY OF STATE
INDEX DEPARTMENT
111 E. MONROE
SPRINGFIELD, IL 62756

EXHIBIT 10

PLEASE USE THIS FORM FOR ALL
IN ADDRESS, ALL OTHERS
ORDER WITH THE

RECEIPT FOR THE
1981-1982

EXHIBIT 10
1981-1982

SECTION 1
1981-1982

CUMULATIVE
1981-1982

BACK ISSUES
1981-1982

ANNUAL SUBSCRIPTION
1981-1982

ANNUAL SUBSCRIPTION
1981-1982

TOTAL AMOUNT
1981-1982

CHECK
1981-1982

EXPIRATION
1981-1982

NAME, PLEASE TYPE IN
1981-1982

ADDRESS
1981-1982

MAIL TO:
1981-1982

1981-1982

1981-1982